

DEE MARGO  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
PETER SVARZBEIN, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
SAM MORGAN, DISTRICT 4  
ISABEL SALCIDO, DISTRICT 5  
CLAUDIA L. RODRIGUEZ, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CISSY LIZARRAGA, DISTRICT 8

## CITY COUNCIL WORK SESSION MINUTES

April 27, 2020

9:05 AM

**Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.**

The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:45 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.

### AGENDA

1. Presentation and discussion on The Power of our Strategic Plan: El Paso Transformational Results with reports by the following departments:

- **Purchasing and Strategic Sourcing**

Mr. Bruce Collins, Purchasing and Strategic Sourcing Director, Ms. Claudia Garcia, Purchasing and Strategic Sourcing Assistant Director, and Ms. Aimee Olivas, Purchasing and Strategic Sourcing Socioeconomic Compliance Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

This presentation included information regarding the support provided by the department specifically related to the COVID-19 pandemic along with an overview of the department's core functions and responsibilities, information on purchasing and supply chain management, contract administration, wage theft, socioeconomic programs. Council members were also briefed on the outreach performed by the department in the way of workshops and expos and the recent awards and recognitions received.

- **Office of the Comptroller**

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Cortinas provided an overview and improvements implemented on the level of transactions handled by the department including cash portfolio handled, vendor payments, P-card transactions, payroll processing, including active employees and

retirees, accounting and financing of capital assets, debt service payments, in addition to overseeing City's revenues and grants.

Mr. Cortinas' presentation also included information on the different ways the Office of the Comptroller is focusing on their workforce by means of trainings and certifications as well as the cross-training of employees in order to ensure continuity of operations.

- **Office of Management and Budget**

Ms. Nicole Cote, Office of Management and Budget Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Cote briefed Council members on the department's activities related to COVID-19 and how they have affected the fiscal year 2020 budget in revenue and expenditures.

Ms. Cote also presented on the cycles of learning the department has gone through on the last five years, the integrated and streamlined budget process, the City's cross functional teams developed to address issues and inefficiencies, the increased efforts on community outreach and engagement including the success of the Chime In! Survey and focus groups. The presentation also included a section highlighting the department's awards and recognitions.

- **City Attorney's Office**

Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Nieman's presentation included a section on the departmental improvements to processes and workforce focus, such as the collaboration with the Performance Office, the implementation of internal and external surveys, focus groups, Lean Six Sigma projects and the training for lawyers and support staff, promotions within the department and a flexible schedule.

Representative Lizarraga commented.

**NO ACTION** was taken on this item.

2A. ....  
Presentation and update on COVID-19.

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office). Presentation included a recap of the April 13, 2020 presentation, the opportunities for grant funding, the challenges for the next fiscal year, recommendations, and the request for Council action on the following resolutions.

Conversation revolved around concerns on furloughs and salary reductions and possible solutions to help minimize the impact to employees including salary donation by Council members and the possibility of having affected employees do COVID-19 related work.

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, Rodriguez, and

Rivera commented.

The following City staff members commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Tommy Gonzalez, City Manager
3. Ms. Claudia Lujan, Human Resources Assistant Director
4. Ms. Monica Lombraña, Chief Operations and Transportation Officer

## **RESOLUTION**

2B.

**WHEREAS**, pursuant to Section 7.3 of the City of El Paso municipal code, the City Council approved the FY 2020 City budget by resolution ("Budget Resolution"); and

**WHEREAS**, on the March 13, 2020 the City of El Paso the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency, and the Mayor of the City of El Paso declared a local disaster in relation to COVID-19; and

**WHEREAS**, on March 17, 2020, the City Council of El Paso adopted and Emergency Ordinance extending the City's state of disaster and instituting emergency measures due to a public health emergency; and

**WHEREAS**, on March 24, 2020, the Mayor of the City of El Paso issued a Local Emergency Directive for all individuals residing in the City of El Paso to stay at home or at their place of residence; and

**WHEREAS**, the City desires to amend the FY2020 Budget Resolution to allow the City to make necessary budget changes to respond to the financial impacts of the COVID-19 emergency;

**WHEREAS**, paragraph 20 of the FY2020 Budget Resolution authorizes the Employees' annual pay increase; and

**WHEREAS**, the City desires to amend paragraph 20 to implement adjustments to Employee's pay increases and payment of certain management positions which are necessary to respond to the financial impact of the COVID-19 emergency; and

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That paragraph 20 of the FY2020 of the Budget Resolution is amended as follows:

20. That the amounts of the annual non-uniformed employee pay increases for FY 2020 which will be in effect from March 1, 2020 through May 23, 2020 and are set as follows: Employee's annual increase shall be in that amount that will place the employee in the rate within their pay grade that most closely approximates a one percent (1.0%) increase, unless a higher percentage increase results from the implementation of a compensation study. Provided however, that the City Manager may increase this amount by an amount not to exceed an additional one percent (1.0%) for any or all of

the City's two major service classifications and the unclassified services based on the availability of funds and other management factors as determined by the City Manager. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range.

An across the board reduction of wages will be in effect on May 24, 2020 through August 15, 2020 for the following appointed positions and job pay grades as defined in Ordinance 8064 and associated job specifications:

- (A) City Manager and City Attorney- 5% pay decrease.
- (B) Assistant City Attorneys – 2% pay decrease.
- (C) Appointed Municipal Court Judges – 2 % pay decrease.
- (D) Pay Grades EX 1 and EX 2- 5% pay decrease.
- (E) Pay Grades EX 3, EX 4 and EX 5- 2% pay decrease.
- (F) Pay Grades GS and PM - 1 % pay decrease.

Effective August 16, 2020, the wages for all positions identified above will revert to the wages that were in effect prior to May 24, 2020.

Motion made by Representative Rivera, seconded by Representative Morgan, and carried to **APPROVE** the Resolution.

AYES: Representatives Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representatives Svarzbein, Annello, and Hernandez

## R E S O L U T I O N

2C **WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster, the President of the United States of America declared a national emergency, and the Mayor of the City of El Paso declared a local state of disaster due to the COVID-19 pandemic; and

**WHEREAS**, in order to protect employee health and safety during the COVID-19 outbreak, the City implemented a Telecommute Policy and provided additional administrative leave for employees whose work was impacted by the health pandemic; and

**WHEREAS**, despite the City's and Federal (Families First Coronavirus Response Act & Coronavirus Aid, Relief, and Economic Security Act) efforts to support employees through the provision of leave, many employees who are unable to perform their work from home have exhausted available leave; and

**WHEREAS**, the closure or indefinite delay of several City facilities, services, projects and programs has drastically impacted the City's operating economy and budget; and

**WHEREAS**, COVID-19 is expected to have a widespread and long lasting financial impact within the local community; and

**WHEREAS**, as a result of COVID-19 financial and operational impacts, the City's Budgetary Revenue now faces a \$33 million impact in the current Fiscal Year; and

**WHEREAS**, this financial and operational impact is anticipated to continue for an unknown period of time;

**WHEREAS**, El Paso City Charter Section 5.2-1 allows the City Manager to take all personnel actions regarding employees except as provided by law or in the Charter; and

**WHEREAS**, El Paso City Charter Section 6.9-2, authorizes and directs the Human Resources Director, subject to the approval of City Council, to establish systems for reducing the impact on the Civil Service of staff reductions and layoffs caused by operating economies; and

**WHEREAS**, a furlough is mandatory unpaid time off from work for a certain period of time that is limited in duration and implemented by an employer as a cost-saving measure; and

**WHEREAS**, a furlough is a less severe alternative to a lay-off or staff reductions as it allows an employee to remain employed as opposed to requiring a separation in employment; and

**WHEREAS**, a furlough, once declared, would immediately enable employees to become eligible for state unemployment benefits; and

**WHEREAS**, a furlough when declared by the City Manager would allow the City the ability to address significant budgetary shortfalls during an economic downturn; and

**WHEREAS**, in order to minimize the impact on the Civil Service of staff reductions and layoffs, the Human Resources Director desires to seek the City Council's approval for the establishment of a furlough system; and

**WHEREAS**, the City Council desires to approve the establishment of the proposed furlough system and to adopt the Human Resources Director's policy effectuating the same.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EL PASO, TEXAS:**

That the City Council approves of the Human Resources Director's establishment of a furlough system and adopts the Human Resources Director's furlough policy attached hereto as Exhibit A.

**1<sup>ST</sup> MOTION**

Motion made by Representative Annello, seconded by Representative Svarzbein, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:59 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rivera, and

Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

Motion made by Representative Salcido, seconded by Representative Lizarraga, and unanimously carried to adjourn the Executive Session at 1:46 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

3. ....  
COVID19 Update - Education and Enforcement efforts.

Assistant Fire Chief Robert Arvizu and Ms. Dionne Mack, Deputy City Manager of Public Safety, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Council members were briefed on the creation, membership and messaging of the newly formed education taskforce whose main objective is to help limit the spread of the virus. Phases I and II of the education objectives were discussed including the number of people reached through visits and printed materials. Presentation also included the enforcement efforts, which include voluntary compliance and citations issued as a last resort.

Discussion also included recent protest events, for which Representative Svarzbein displayed pictures.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Rodriguez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Kurt Fenstermacher, Environmental Services Assistant Director
2. Ms. Karla Nieman, City Attorney
3. Ms. Lilia Worrell, Municipal Courts Clerk
4. Mr. Tommy Gonzalez, City Manager

Mr. James Peinado, citizen, commented.

**NO ACTION** was taken on this item.

4. ....  
Discussion to update members of Council on the measures taken by the Economic

Development Department to assist businesses affected by the COVID-19 pandemic.

Ms. Jessica Herrera, Economic and International Development Director, and Mr. Bryan Crowe, Destination El Paso General Manager, presented a PowerPoint presentation (copy on file the City Clerk's Office).

This presentation included information related to unemployment rates, the industry sectors most impacted by the pandemic and the different ways in which the city has provided support to local businesses in the form of outreach and guidance.

An update on the status of loans and grants provided to assist business recovery was provided to Council.

Destination El Paso provided Council with information on the efforts to assist business recovery, with the help of partners like the Downtown Management District, which includes events, incentive programs, as well as the continuation of marketing and sanitation, and grant programs that already exist. Information was also provided on the video campaign for local and leisure markets and meeting/convention clients.

Discussion included the topics of people's safety concerns, the uncertainty over saving and spending, the lack of human contact and interaction, family connections and the desire to return to some sense of normalcy.

**NO ACTION** was taken on this item.

5.

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**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement in a form substantially similar to the attached document by and between CITY OF EL PASO, a Texas home rule municipal corporation, and WORKFORCE SOLUTIONS BORDERPLEX, a non-profit organization, in support of the administration of a program providing child care assistance to essential workers within the City of El Paso affected by the COVID-19 pandemic.

Mr. Eddie Garcia, Economic and International Development Assistant Director, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga.

NAYS: None

6.

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Workforce Solutions Borderplex Update from CEO, Leila Melendez.

Ms. Melendez presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Melendez provided information on the COVID-19 local impact on unemployment and the processing of unemployment claims.

Presentation also included an analysis of the unemployment data by region, occupation categories, and the maximum benefits per median wages.

Representative Rivera commented.

**NO ACTION** was taken on this item.

7. ....  
Update by Chief Greg Allen and District Attorney regarding Cite and Release Resolution on Class A and B Possession of Marijuana offenses (November 12, 2019 - Item 20.5).

Assistant Police Chief Victor Zarur and District Attorney Jaime Esparza presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Presentation included comparison information between different programs in the State of Texas where arrests have ended for misdemeanor marijuana possession.

Judge Ruben Morales, County Court at Law # 7, and State Representative Joe Moody took part in the discussion by expressing support for this initiative.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Ms. Dionne Mack, Deputy City Manager for Public safety
2. Police Chief Greg Allen
3. Mr. Tommy Gonzalez, City Manager
4. Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Ms. Mel Garcia
2. Mr. Francisco Ramirez
3. Mr. James Peinado
4. Ms. Diana Camarena
5. Mr. Colt DeMorris (showed presentation)
6. Ms. Jessica Balderas
7. Mr. Cedric Jackson
8. Mr. Bruce Griego
9. Mr. Michael Castro
10. Mr. Christopher Hernandez
11. Ms. Valerie Hubbard
12. Mr. Nicholas Vasquez

**NO ACTION** was taken on this item.



8. Discussion regarding the potential effects of the COVID-19 pandemic on the City of El Paso Employees Retirement Trust and its stakeholders.

Mr. Robert Ash, Executive Director of the El Paso Employees Retirement Trust, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Ash briefed Council members on the different options related to employee contributions for furloughed employees.

**NO ACTION** was taken on this item.

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**EXECUTIVE SESSION**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 7:07 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the item:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to adjourn the Executive Session at 7:52 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- .....  
**EX1.** Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez and unanimously carried that the City Attorney's Office be authorized to deny the property damage and personal injury claim of Adrian De Luna and Aaliyah De Luna in its entirety; Matter ID 20-1001-268.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rivera

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**EX2.** Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office is authorized to retain the law firm of Dickinson Wright PLLC, as outside appellate counsel, and any necessary consultants and experts, in consultation with the City Manager, to defend the City's interest and position in the appeal to the lawsuit styled Ysleta Del Sur Pueblo, a federally recognized Indian Tribe v. City of El Paso filed by Ysleta Del Sur Pueblo, a

federally recognized Indian Tribe in Matter No. 17-1009-561; that the City Attorney's Office is authorized to take any and all action necessary, affirmative and defensive, in connection with this appeal through outside counsel. This Motion is intended to grant broad authority to the City Attorney's Office to take all action necessary to address these matters, including but not limited to, the response and/or initiation of any appeals before the United States District Courts.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

- .....
- EX3.** Motion made by Mayor Pro Tempore Svarzbein seconded by Representative Rivera, and carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion to Intervene, and if necessary, request a hearing in Public Utility Commission of Texas Docket No. 50477, *Application of El Paso Electric Company to Implement the Merger Rate Credit in Compliance with Settlement and Order in Docket No. 49849*.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any other necessary consultants in connection with this matter.

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

AYES: Representatives Svarzbein, Morgan, Salcido, Rivera, and Lizarraga

NAYS: Representatives Annello, Hernandez, and Rodriguez

- .....
- EX4.** Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion to Intervene, and if necessary, request a hearing in Public Utility Commission of Texas Docket No. 50685, *Application of El Paso Electric Company for Approval of Accounting Treatment to Allow Temporary Reassignment of Jurisdictional Energy*.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any other necessary consultants in connection with this matter.

AYES: Representatives Svarzbein, Annello, Morgan, Salcido, Rivera, and Lizarraga

NAYS: Representatives Hernandez and Rodriguez

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**ADJOURN**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and unanimously carried to **ADJOURN** this meeting at 7:52 p.m.

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk