

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
March 30, 2020
9:05 AM

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

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The City Council met at the above time and date. Meeting was called to order at 10:33 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Sam Morgan, Isabel Salcido, Claudia Ordaz Perez, Henry Rivera, and Cissy Lizarraga. Cassandra Hernandez joined the meeting at 10:36 a.m.

The Work Session was recessed at 4:13 p.m. on March 30, 2020 and reconvened on Tuesday, March 31, 2020 at 11:03 a.m. with all Council members present.

AGENDA

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1.

R E S O L U T I O N

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 reallocate funds as necessary to respond to the financial impacts of the

COVID-19 emergency;

WHEREAS, paragraph 5 of the Budget Resolution authorizes the City Manager or his designee to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed \$50,000, to the extent permitted by law. City Council approval is required for budget transfers exceeding \$50,000.00; and

WHEREAS, the City desires to amend paragraph to amend the requirement of City Council approval of budget transfers between departments and/or non-enterprise department funds exceeding \$50,000.00 until June 9, 2020; and

WHEREAS, paragraph 61 of the Budget Resolution allocates \$6,600,000.00 of the environmental service franchise fee funds for residential street maintenance; and

WHEREAS, the City desires to amend paragraph 61 of the Budget Resolution to amend the appropriations of the \$6,600,000.00 of the environmental service franchise fee funds for residential street maintenance to the City's Budget Stabilization fund.

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

1. That paragraph 5 of the FY2020 of the Budget Resolution is amended as follows:
 5. That the City Manager or his/her designee is hereby authorized to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department until June 9, 2020.
2. That paragraph 61 of the FY2020 of the Budget Resolution is amended as follows:
 61. That the environmental service franchise fee will be used as follows:
 - \$6,600,000 for the Budget Stabilization fund.
 - \$2,700,000 for the purchase and acquisition of Fire Department replacement vehicles.
 - \$1,300,000 for Police Department major capital equipment.

The following City staff members presented a PowerPoint presentation briefing and answering Council members' questions.

1. Tommy Gonzalez, City Manager
2. Robert Cortinas, Chief Financial Officer
3. Sam Rodriguez, City Engineer
4. Fire Chief Mario D'Agostino
5. Ms. Monica Lombraña, Chief Transportation Officer
6. Mr. Cary Westin, Senior Deputy City Manager
7. Ms. Nicole Ferrini, Community and Human Development Director
8. Ms. Jessica Herrera, Economic and International Development Director
9. Ms. Araceli Guerra, Information Technology Services Director

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

The following members of the public commented:

1. Mr. Richard Dayoub
2. Ms. Kathleen Staudt
3. Mr. Fainot Pierre
4. Ms. Carmen Rodriguez
5. Mr. Max Grossman
6. Mr. JP Bryan
7. Mr. Rick Seeberger
8. Mr. Jud Burgess
9. Mr. Luis Ruiz
10. Mr. James R. Peinado
11. Mr. Octavio Macias
12. Ms. Jennifer Caballero
13. Ms. Romelia Mendoza
14. Mr. Tom Laign
15. Ms. Wally Haley
16. Mr. John Hogan
17. Mr. Nicholas Vasquez
18. Mr. Jamal Lesarge
19. Ms. Susan Goodell
20. Mr. Carlos Gonzalez Rivera

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **AMEND** the Resolution to add the words “until June 9, of 2020” to the end of paragraph 5.

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

NAYS: None

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and carried to **AMEND** the Resolution to replace “General Fund” with “Budget Stabilization Fund” on paragraph 61, related to the \$6.6 million.

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

NAYS: Representative Lizarraga

3RD MOTION

Motion made by Representative Annello, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** Item 1 of the Resolution as amended.

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

Rivera, and Lizarraga

NAYS: None

4TH MOTION

Motion made by Representative Annello, seconded by Representative Salcido, and carried to **APPROVE** Item 2 of the Resolution as amended.

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

NAYS: Representatives Rodriguez and Lizarraga

5TH MOTION

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **RECONSIDER** Item 2 of the Resolution.

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

NAYS: None

6TH AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Svarzbein, and carried to **APPROVE** item 2 of the Resolution as previously amended.

AYES: Mayor Margo and Representatives Svarzbein, Hernandez, Morgan, and Rivera

NAYS: Representatives Annello, Salcido, Rodriguez, and Lizarraga

Mayor Margo broke the tie by voting "Aye"

2.

R E S O L U T I O N

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 LIFTFUND, a non-profit organization, in support of the creation and administration of a small business emergency relief program to provide small business loans and grants to eligible businesses within the City of El Paso affected by the COVID-19 pandemic.

Ms. Jessica Herrera, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Hernandez, Salcido, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney

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

AYES: Representatives Svarzbein, Annello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga
NAYS: None

ITEMS 3 AND 4 WERE TAKEN TOGETHER

3. Discussion and action on a Resolution to establish an Ad Hoc Charter Advisory Committee.
4. Discussion and action on proposed amendments to the City Charter through a November 2020 Charter Election.

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

Ms. Karla Nieman, City Attorney, commented.

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Annello, and carried to **DELETE** Items 3 and 4.

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

NAYS: Representative Svarzbein

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5. Quarterly presentation on active and completed capital projects for all CIP programs.

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and briefed Council on expenditures and employment related to the capital projects, project developments, and Quality of Life projects.

Representative Annello commented.

Ms. Laura Cruz-Acosta, Strategic Communications Director, commented.

NO ACTION was taken on this item.

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6. Presentation and discussion on The Power of our Strategic Plan: El Paso Transformational Results with a report by the following department:

-Environmental Services

Ms. Ellen Smyth, Environmental Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and updated Council on process improvements in the area of code enforcement, solid waste, property clean ups, the installation of new software on collection trucks and savings through mobile apps.

Representatives Svarzbein, Annello, Rivera, and Lizarraga commented.

Mr. Sam Rodriguez, City Engineer, commented.

NO ACTION was taken on this item.

7. Presentation and discussion on the Strategic Plan Goal Team Reports for the following:

Goal 7 (Infrastructure)

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and updated Council on continuous project improvements, key accomplishments, key performance indicators, deliverables, and opportunities and challenges.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

EXECUTIVE SESSION

Members of City Council were present via video conference.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:48 p.m. on Tuesday, March 31, 2020 pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and carried to adjourn the Executive Session at 1:31 p.m. on Tuesday, March 31, 2020 and **RECONVENE** the Work Session of the City Council.

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

NAYS: None

- EX1. Ex Parte: City of El Paso; Supreme Court of Texas, Case #19-0022; Matter No. 17-1001-171.002 (551.071)

NO ACTION was taken on this item.

- EX2. Max Grossman v. City of El Paso; 8th Court of Appeals, Case #08-19-00272-CV; Matter No. 17-1001-171.001.001 (551.071)

NO ACTION was taken on this item.

- EX3. Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative

Annello, and unanimously carried to **APPROVE** the following:

1. That the rate adjustment identified in the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONE Gas, Inc., on March 12, 2020, be and is hereby suspended for 45 days after the effective date specified in the filing.
2. That Texas Gas Service Company is hereby ordered to file with the City Clerk and Office of the City Attorney on or before April 15, 2020 complete working papers supporting all of its claimed cost of the investment in service for gas utility services as needed by the City's attorneys and consultants to conduct its analysis and make recommendations to the Council, including change in return on net investment, change in depreciation expense, change in ad valorem tax and change in federal income taxes to support the Company's request for an Interim Rate Increase.
3. That the City Manager shall so notify Texas Gas Service Company of the suspension and the order to submit working papers by having a copy of this Motion delivered or mailed to Texas Gas Service Company.
4. That the City Attorney is authorized to engage outside counsel to represent the City on this matter and the City Manager be authorized to engage consultants to evaluate the filing.

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

NAYS: None

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ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Work Session of March 30, 2020 at 1:33 p.m. on Tuesday, March 31, 2020.

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

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk