

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 ORDAZ PEREZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

**CITY COUNCIL WORK SESSION MINUTES
CITY HALL, 300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
May 13, 2019
9:05 A.M.**

The City Council met at the above place and date. Meeting was called to order at 9:40 a.m. Mayor Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Anello, Sam Morgan, Isabel Salcido, Claudia Ordaz Perez, and Cissy Lizarraga. Late arrival: Henry Rivera at 9.43 a.m. Cassandra Hernandez requested to be excused.

AGENDA

1. Presentation and discussion on the amendments to Title 20 related to Personal Wireless Service Facility regulations.

Mr. Jeffrey Howell, Capital Improvement Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Svarzbein asked about the requirement for co-location of personal wireless service facilities.

Mr. Howell replied that the Ordinance would specify that new structures would have to include space to facilitate another provider.

Representative Anello mentioned that some cell phone towers in her district were not camouflaged when they were relocated.

Mr. Tommy Gonzalez, City Manager, explained that this item was requested by a Council member and added that staff would provide a copy to the absent Council member.

NO ACTION was taken on this item.

2.

RESOLUTION

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement by and between CITY OF EL PASO ("City") and TPUSA, INC., ("Applicant") for the establishment of the Applicants' business processing outsourcing firm in El Paso, Texas. The City will provide a total incentive of \$81,666.00 and the Applicant will provide an investment of

\$6,700,000.00 and the creation of 1,124 new jobs.

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

Mayor Margo explained that the property tax rebate would be on new growth and new investment and stated that El Paso was in competition with Albuquerque for this development and this City won.

Representative Annello asked if the lowest paying job would be at \$10.19 per hour for entry-level positions.

Ms. Herrera replied "no" and explained that the company would provide entry-level positions at or above \$11 per hour for customer service positions.

Representative Morgan asked what the incentive would be over the 5-year period.

Ms. Herrera replied that the total incentive would be \$81,666 with payroll expenses of over \$31 million dollars.

Mr. Gonzalez commented that wages have grown in the last 3-5 years and that the minimum wage is higher at over \$10 per hour.

Ms. Herrera explained that there has been a steady increase and explained that when the business service sector employs people above entry-level wages, competition occurs between employers not only for wages but also for benefits provided to employees. She said there is a good opportunity for employers to provide benefits and allow for flexibility for students.

Mr. Gonzalez commented that last year the City of El Paso had the second highest wage growth in the State of Texas.

Mayor Pro Tempore Ordaz Perez asked if this meets the City's policy where 80% of the jobs meet or exceed the median County wage.

Ms. Herrera replied that it does not but added that they recognize that this company has a significant number of jobs below the median County wage however; this company is providing the career path and opportunities that could result in higher wages over the next few years. She said this is a good opportunity given the payroll, and number of jobs this company will provide.

Representative Annello asked how many of the jobs do not meet the policy.

Ms. Herrera replied that 80% out of 1,124 jobs would be below \$13.50 per hour however, they would start at over \$11 per hour.

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

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

Lizarraga.
NAYS: Representative Ordaz Perez
ABSENT: Representative Hernandez

The City Council Meeting was **RECESSED** at 10:14 a.m. in order to conduct a press conference.

The City Council Meeting was **RECONVENED** at 10:42 p.m.

ITEMS 3 AND 4 WERE PRESENTED TOGETHER

- 3. Discussion and action on street median cleaning on City and State Right-of-Ways.**
- 4. Management Update: TxDOT Maintenance Agreement.**

Ms. Jennifer Wright, TxDOT spokesperson, stated they are waiting on funds to assist the City with the transition of maintaining some of the roadways that were previously handled by TxDOT.

Representative Svarzbein asked why this changed from previous years because as a result there are now weeds on medians. He wondered if the Mesa reconstruction project was the cause for the reallocation of maintenance funds from Category 1.

Ms. Wright replied she would find out and report back to Council.

Mr. Gonzalez explained that his office received a letter from TxDOT nine months ago and responded with a letter expressing disagreement over the responsibility of maintaining State roadways. The letter also requested that El Paso be treated like other Texas cities and asked for continual funding if TxDOT was going to give up their responsibility of maintaining State right of ways. He mentioned the City's budget was going to be restricted due to other issues such as upcoming Legislative changes with State and Federal unfunded mandates. Mr. Gonzalez also explained that there were other issues such as requiring the City to maintain landscaping on Transmountain due to an agreement from 2013. He added that this should not have been included in this area since it was not maintained at a higher level and is a controlled access road. There was also an issue with the removal of landscaping at the I-10 and Mesa exit because of the reconstruction work done by TxDOT.

Mayor Pro Tempore Perez asked if this was happening across major cities across the State.

Ms. Wright explained she was informed that TxDOT is moving away from Statewide maintenance agreements except for those on controlled highways.

Mr. Gonzalez stated that a couple of Council members reached out to State Representatives and understands the State also has funding issues. He explained that he forwarded copies of maintenance agreements with other cities to the City

Attorney's Office for review.

Mayor Pro Tempore Perez asked if Council could take action.

Mayor Margo explained that State access highways should be TxDOT's responsibility and stated that we need clarification with ambiguity in current agreements.

Mr. Gonzalez commented that the agreements the Mayor is referring to are the ones from 2006 and 2013.

Mayor Pro Tempore Perez asked about the amount of landscaping \$250,000 would cover.

Ms. Wright said it would depend on the street and the level of landscaping required.

Mr. Gonzalez stated that landscaping would cost the City \$2 million annually if TxDOT no longer maintains the areas. He mentioned that staff is working on a list of streets that would require maintenance agreements with TxDOT similar to those agreements TxDOT has in place with other cities.

Representative Svarzbein asked when they would begin addressing funding for maintenance and the renegotiation of contracts with TxDOT.

Mr. Gonzalez replied that they would need to put money in next year's budget so staff could acquire the equipment needed to begin addressing maintenance needs. He said they could implement "Adopt an Intersection or Highway" program at the direction of Council.

Mayor Pro Tempore Perez asked what the plan of action would be to address Mesa.

Mr. Gonzalez explained that they would like to sit down with TxDOT to come up with a plan.

Mr. Richard Bristol, Streets and Maintenance Director, explained that they would like TxDOT to prioritize the needs on Mesa.

Mayor Pro Tempore Perez explained that she would like to be able to respond to her constituents regarding issues on North Loop.

Mr. Gonzalez explained that the Mayor will send a letter to TxDOT at the State level and would try to meet with TxDOT locally.

Mayor Margo added that the City has many State roads and disagrees with the City having the responsibility of maintaining landscaping along those roads.

Representative Svarzbein asked if the City could address maintenance on Mesa.

Mr. Gonzalez explained that both TxDOT and the City have funding issues that need to be resolved.

NO ACTION was taken on these items.

5. Presentation on the existing ecosystem of social services targeted at addressing homelessness across the Continuum of Care as well as an update on strategic efforts to address homelessness in El Paso.

Ms. Nicole Ferrini, Community and Human Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Svarzbein asked for examples of Permanent Supportive Housing and Transitional Housing.

Ms. Ferrini explained that these type of units are found across entities such as the YWCA, Rescue Mission, Opportunity Center and Project Vida. She stated there are currently only 79 units in total and added that the need is between 150 to 300 units.

Representative Morgan asked about the number of homeless veterans in relation to the homeless rate of 12%.

Ms. Ferrini replied there were 54 homeless veterans as of the last report.

Representative Rivera asked how many homeless veterans refuse assistance.

Ms. Ferrini replied that if they are on a wait list, it means they are requesting assistance. She said that in some cases the data is not captured due to the definition of a veteran with respect to the reporting agency.

Representative Anello asked how chronic homelessness would be reduced by 50%.

Mr. Ferrini explained that data collection would be vital for a comprehensive analysis.

Representative Lizarraga asked if there had been an issue with acquiring full participation for the collection of data.

Ms. Ferrini replied that data collection is a challenge and that the Coalition for the Homeless had been working with agencies for two years to get everyone to the table for full participation. She stated that as of last week they were able to collect data from all agencies.

Representative Lizarraga asked who the team lead for veterans was.

Ms. Ferrini stated she had been working with Emily Gadra from the Veterans Administration Office.

Representative Morgan asked where the data resided.

Ms. Ferrini explained that the data is housed within each entity but hoped the data

could be fed into a data collection analysis center.

Representative Morgan asked how the City is working with schools and hospitals for gathering data while satisfying HIPPA (Health Insurance Portability and Accountability Act) requirements.

Ms. Ferrini explained they are looking at the mechanics for utilizing de-identified data in order to find causation.

Representative Rivera asked if she was working with the Crisis Intervention Team.

Ms. Ferrini explained that she had preliminary discussions with the Police Chiefs and the next step would be to collect data.

Mr. Tommy Gonzalez, City Manager, explained that achieving functional zero veteran homelessness by October 2019 would be a big goal. He said it was an example of intelligence risk and said they would work on getting it done.

Mayor Pro Tempore Ordaz Perez and Representative Morgan commended Ms. Ferrini on her leadership and good work.

Representative Annelo asked about HIPPA's protocol and some of the steps taken by the County.

Mr. Joel Bishop, County of El Paso Executive Director of Justice and Community Services, explained that the County has a jail re-entry program that works with incoming inmates to identify homeless persons. He referred to two studies commissioned by Commissioners Court that identified that the longer someone remains in the jail system the more likely it results in recidivism. He stated that they also have a Memorandum of Understanding with the Opportunity Center for data collection as a large population of homeless inmates refer to the Center upon release.

Representative Annelo thanked Mr. Bishop and everyone from the Homeless Coalition.

NO ACTION was taken on this item.

6. Presentations by the Opportunity Center for the Homeless and the Rescue Mission of El Paso on operations, resource challenges, and future goals.

Mr. Ray Tullius, Opportunity Center Founder, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Svarzbein asked about their funding needs and the status.

Mr. Tullius replied funding was down \$192,000 and explained they received a large endowment last year. He said that the Men's Resource Center did not have any funding and explained that the Center needs a consistent level of support. Mr. Tullius stated that his Center is still open and took in 44 migrants while working with sponsors to help them get to their location within 2 to 3 days.

Representative Lizarraga asked if there is a psychiatrist at the Center.

Mr. Tullius replied that they currently do not have one as HUD has disallowed the service.

Representative Annello thanked Mr. Tullius for his work.

Representative Svarzbein asked where people could go if the Center restricted the number of occupants.

Mr. Tullius replied that they would work with other agencies to find them a place to go.

Representative Svarzbein asked about the City's process.

Ms. Ferrini replied that the City did not have a process in place and added that they need a crisis response system to relieve the pressure on the Opportunity Center. She said although HUD does not fund some of the services there are other entities that can assist.

Mayor Margo explained there are State issues along with a combination of other issues in regards to homelessness.

Mr. Tullius explained that some of the people cannot live alone if they need special services or are unable to transition.

Ms. Ferrini commented that there is a need for more units for a City with a population of over 700,000 residents.

Representatives Svarzbein and Annello commented on the need to help the Opportunity Center.

Ms. Ferrini reminded Council that there are over twenty non-profit agencies that are also in need of assistance.

Representative Annello stated she believes the City should work with the Opportunity Center since they're located downtown and are more accessible to the homeless population.

Mr. Blake Barrow, Rescue Mission CEO, added that the Rescue Mission has 190 beds and a medical facility with a drug and alcohol rehabilitation program funded by a private source named Corner of Hope.

The following members of the public commented:

1. Ms. Camille Castillo, El Paso Coalition for the Homeless
2. Ms. Sylvia Acosta, YWCA

NO ACTION was taken on this item.

7. Discussion and action on amendments to Ordinance No. 018746 to amend

procedures for council members to place matters on the agenda for regular city council meetings to include requiring a specific number of Council Members to co-sponsor items, to require notification to relevant District Representative if an item is regarding a specific district, and to allow for adequate time to identify and gather information for action items.

Ms. Kristen Hamilton, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Anello asked if polling members of Council for support with the placement of an agenda item would be considered deliberating.

Ms. Nieman explained that Council could place items on a work session to obtain support of an item prior to placing them on a regular agenda for action.

Representative Lizarraga asked if Council needed to place an item on a work session prior to placing it on the regular agenda.

Ms. Hamilton explained that if a Council member already had the support of the minimum number of Council members required then the item could be placed directly on the regular agenda.

Representative Anello asked about legislative review committees similar to what other cities do.

Ms. Nieman explained that this Council hasn't had a legislative review committee in a while but added that Council could call for a legislative review committee meeting.

Mayor Margo asked if work sessions were similar to legislative review committee meetings.

Ms. Hamilton explained that work sessions are full-bodied meetings.

Representative Morgan asked what adequate backup consisted of.

Ms. Hamilton replied that an agenda summary form would be adequate backup if it clearly defines the nature of the item.

Representative Salcido asked about the specifics of adequate backup.

Ms. Laura Prine, City Clerk, provided an example where an item requiring a Resolution is placed on the agenda with only an agenda summary form as backup, which would mean it was incomplete.

Ms. Hamilton stated "adequate back-up needs to provide the council members, public and City staff with sufficient information to ascertain the details of the topic and action that will be requested".

Representatives Svarzbein and Lizarraga asked about the proposed deadlines for submitting items two weeks in advance.

Ms. Hamilton explained that non-action items would not require a two-week notice.

Representative Annello asked what the deadlines would look like if the agenda were posted two weeks before the meeting.

Ms. Hamilton went through a scenario and explained that the two-week advance notice for Council items was in place in 2016 and was changed in 2017 when the current ordinance was approved.

Representative Annello asked why the ordinance was changed.

Ms. Prine explained that the ordinance was revised when the City reverted to a five-day workweek.

Mayor Pro Tempore Ordaz Perez asked about best practices across other cities for placing items on the agenda by Council members.

Ms. Hamilton explained that the City of Austin requires the support of four Council members for submittal of an item; Dallas and San Antonio require support of five Council members.

Representative Annello stated that some of these cities have legislative review committees that recommend items.

1st MOTION

Motion was made by Representative Annello, seconded by Representative Svarzbein to **POSTPONE** the item for two weeks.

Ayes: Representatives Svarzbein and Annello

Nays: Representatives Morgan, Salcido, Ordaz Perez, Rivera and Lizarraga

Absent: Representative Hernandez

THE MOTION FAILED

2ND AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Lizarraga and carried that items placed on the City Council Agenda by City Representatives must contain the signature of one additional City Council Representative, one of which must be the District Representative in which the item resides in.

Ayes: Representative Salcido, Lizarraga, Rivera, Morgan, and Ordaz Perez

Nays: Representatives Svarzbein and Annello

Absent: Representative Hernandez

EXECUTIVE SESSION

Motion made by Representative Morgan, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:41 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
Section 551.072 DELIBERATION REGARDING REAL PROPERTY

AYES: Representatives Svarzbein, Hernandez, Morgan, Salcido, Ordaz Perez and Rivera

NAYS: None

ABSENT: Representatives Annello and Lizarraga

Motion made by Representative Morgan, seconded by Representative Rivera, and unanimously carried to adjourn the Executive Session at 1:30 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Hernandez, Morgan, Salcido, Ordaz Perez and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Svarzbein

ABSENT: Representatives Annello and Lizarraga

EX1. Economic Incentives for a Mixed-Use Development located in the City of El Paso.
(16-1007-1793) (551.087) (551.071)

NO ACTION was taken on this item.

EX2. Economic Incentives for Redevelopment to be located in the City of El Paso.
(19-1007-2427) (551.087) (551.071)

Motion made by Mayor Pro Tempore Perez, seconded by Representative Salcido and unanimously carried to **DELETE** the item.

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

NAYS: None

ABSENT: Representative Hernandez

EX3. Economic Incentives for a Hotel to be located in the City of El Paso.
(19-1007-2428) (551.087) (551.071)

Motion made by Mayor Pro Tempore Perez, seconded by Representative Salcido and unanimously carried to **DELETE** the item.

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

NAYS: None

ABSENT: Representative Hernandez

EX4. Lease of City-Owned Property located at 215 Francis Street in the City of El Paso
(19-1004-955) (551.072) (551.071)

NO ACTION was taken on this item.

EX5. In Re: Max Grossman, Relator; Third Court of Appeals; Case #03-19-00001-CV; Matter No. 19-1001-233 (551.071)

NO ACTION was taken on this item.

EX6. Max Grossman v. Mark Wolfe, Executive Director, Texas Historical Commission; Third Court of Appeals; Case #03-19-00002-CV; Matter No. 19-1001-237 (551.071)

NO ACTION was taken on this item.

EX7. Max Grossman v. City Clerk Laura D. Prine and Mayor Dee Margo, City Representative Peter Svarzbein, City Representative Michiel R. Noe, City Representative Sam Morgan, City Representative Cassandra Hernandez-Brown, City Representative Henry Rivera, City Representative Claudia Ordaz Perez, and City Representative Cissy Lizarraga; 171st District Court No. 2018DCV2172; Matter No. 18-1019-204 (551.071)

NO ACTION was taken on this item.

EX8. Ex Parte City of El Paso; Supreme Court of Texas; Case #19-0022; Third Court of Appeals; Travis County, TX, Case #03-17-00566-CV; Matter No. 17-1001-171.002 (551.071)

NO ACTION was taken on this item.

EX9. Max Grossman v. City of El Paso; 384th District Court; #2017DCV2528; Matter No. 17-1001-171.001 (551.071)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Morgan and unanimously carried to **ADJOURN** this meeting at 1:30 p.m.

AYES: Representatives Hernandez, Morgan, Salcido, Ordaz Perez and Rivera

NAYS: None

ABSENT: Representatives Hernandez

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk