

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
December 14, 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.

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The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:15 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.
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AGENDA

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1. Presentation of Federal Emergency Management Agency (FEMA) preliminary flood insurance Rate Map Update.

Mr. Philip Etiwe, Planning and Inspections Director, introduced the item and Mr. Javier Acosta, Planning and Inspections Engineering Division Manager and Floodplain Administrator presented a PowerPoint presentation on behalf of the City (copy on file in the City Clerk's Office).

Mr. Larry Voice, FEMA Project Engineer, and Ms. Diane Howe, FEMA Risk Map Lead, presented a PowerPoint presentations on behalf of FEMA (copy on file in the City Clerk's Office).

The presentations included a timeline of the mapping study and its impact on flood insurance, the community outreach support and the coordinated work between FEMA and the City of El Paso.

Mayor Margo and Representatives Svarzbein and Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Senior Deputy City Manager

NO ACTION was taken on this item.
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2. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts and processes.

1. Overview

City Manager Mr. Tommy Gonzalez introduced the item and began the presentation which included recent trends on holiday guidelines, testing, vaccination readiness, and transition planning (PowerPoint presentation on file in the City Clerk's Office).

2. City Attorney's Office Update

- a) Emergency Ordinances
- b) City Attorney's Office COVID-19 Support

Ms. Karla Nieman, City Attorney, and Ms. Ana Schumacher, Assistant City Attorney, continued with the PowerPoint presentation.

3. CFT Operations

Ms. Angela Mora, Public Health Director, continued and provided an overview of the operations and information regarding outreach of the upcoming vaccination rollout disseminated in English and Spanish.

4. Team Lead Reports:

- 1. Health Focus
 - a) Community Task Force Recommendations Update

Dr. Hector Ocaranza, City of El Paso Public Health Authority, and Ms. Dionne Mack, Deputy City Manager of Public Safety continued with the presentation.

Representatives Svarzbein, Hernandez, and Rodriguez commented and asked questions regarding the presentation.

Representative Salcido shared information and pictures from her meetings with big box and small retailers in District 5.

The following City staff members commented and provided answers to questions posed by Council members:

- 1. Dr. Hector Ocaranza, City of El Paso Public Health Authority
- 2. Ms. Dionne Mack, Deputy City Manager of Public Safety
- 3. Fire Chief Mario D'Agostino
- 4. Mr. Tommy Gonzalez, City Manager
- 5. Ms. Angela Mora, Public Health Director
- 6. Ms. Laura Cruz-Acosta, Strategic Communications Director

NO ACTION was taken on this item.

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3. ITEMS 3, 4 AND 5 WERE TAKEN TOGETHER

**ORDINANCE 019121
AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019035
EXTENDING A DISASTER DECLARATION DUE TO A
PUBLIC HEALTH EMERGENCY**

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

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on November 23, 2020; and

WHEREAS, on November 6, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

WHEREAS, the number of COVID-19 active cases in El Paso is over 37,840; and

WHEREAS, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; and

WHEREAS, on December 3, 2020, the CDC Director predicted and the U.S. Surgeon General agreed that the next few months, specifically December, January and February, "are going to be the most difficult time in the public history of this nation"; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

WHEREAS, Emergency Ordinance No. 019117 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 23, 2020; and

WHEREAS, the condition necessitating a declaration of a state of disaster

continues to exist.

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.

2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

**4. ORDINANCE 019122
AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,
AS RESTATED AND AMENDED ON NOVEMBER 9, 2020 AND FURTHER AMENDED
ON NOVEMBER 23, 2020;
PENALTY AS PROVIDED IN SECTION 8**

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

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, the City Council, pursuant to City Charter Section 3.10, adopted Emergency Ordinance No. 019036 to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on November 23, 2020; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to amend Emergency Ordinance No. 019036 to allow for a 9:00 a.m. El Paso City Council meeting on January 5, 2021; and

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as restated and amended on November 9, 2020, and further amended on November 23, 2020, which shall remain in effect for thirty days or until otherwise

terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance No. 019118, penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iv be amended to read as follows:
 - iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:
 - a) All references to 9:00 a.m. are changed to 3:30 P.M.
 - b) All references to 12:00 noon are changed to 6:00 P.M.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect. This Rule shall not be in effect the week of Thanksgiving through January 5, 2021; the City shall revert to its Original Rules of Order during this period.

3. Except as amended herein, Emergency Ordinance No. 019036, as restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance No. 019118 shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner.
4. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

5.

ORDINANCE 019123

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, PENALTY AS PROVIDED IN
SECTION 6**

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

WHEREAS, by proclamation issued on March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency; and

WHEREAS, on March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health

Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly basis; and

WHEREAS, Governor Abbott similarly renewed the State's COVID- 19 Disaster Declaration; and

WHEREAS, El Paso City Charter Section 3.10 allows City Council to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, the El Paso City Council desires to support restaurants and similar establishments in their efforts to safely operate during the COVID-19 pandemic by further facilitating outdoor service and dining opportunities; and

WHEREAS, on August 31, 2020, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("Emergency Ordinance No. 019091") which expires September 30, 2020; and

WHEREAS, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091 ("Re-enacting Ordinance"); and

WHEREAS, during the October 26, 2020, City Council Work Session; Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000; and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

WHEREAS, the City Council desires to re-enact its August 31, 2020, Emergency Ordinance No. 019091, as restated on December 14, 2020, which shall take effect immediately, and remain in effect until January 13, 2021, or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019091 is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. That the penalty as provided in Section 6. B. of Emergency Ordinance No 019091 be increased from an amount not more than \$500.00 to an amount not more than

one thousand dollars (\$1,000.00);

3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Representatives Svarzbein, Annello, and Hernandez commented.

The following City staff members commented and responded to questions posed by Council members:

1. Ms. Karla Nieman, City Attorney
2. Mr. Tommy Gonzalez, City Manager
3. Dr. Hector Ocaranza, City of El Paso Public Health Authority

Motion made by Representative Annello, seconded by Representative Lizarraga, and unanimously carried to **ADOPT** the Emergency Ordinances.

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

NAYS: None

Mayor Margo consented to the adoption of the Emergency Ordinances.

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:02 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 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session at 1:25 p.m. and **RECONVENE** the meeting of the City Council during which time the following motions were made:

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

NAYS: None

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- EX1.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the proposed Seabeck-To-San Felipe 115-KV Transmission Line in El Paso County; Public Utility Commission of Texas Docket No. 51480; Matter: 20-1008-160; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera,

and unanimously carried that the CITY OF EL PASO **AUTHORIZES** the City Attorney to file a Motion in Intervention, in Public Utility Commission of Texas, *Application of El Paso Electric Company for a Standard Application for a Certificate of Convenience and Necessity for a Proposed Transmission Line*, in Texas PUC Docket No. 51480.

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.

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

NAYS: None

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- EX2.** Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the proposed Pine-To-Seabeck 115-KV Transmission Line in El Paso County; Public Utility Commission of Texas Docket No. 51476; Matter: 20-1008-159; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the CITY OF EL PASO **AUTHORIZES** the City Attorney to file a Motion in Intervention in Public Utility Commission of Texas, *Application of El Paso Electric Company for a Standard Application for a Certificate of Convenience and Necessity for a Proposed Transmission Line*, in Texas PUC Docket No. 51476.

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.

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

NAYS: None

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- EX3.** Application of El Paso Electric Company to Amend its Distribution Cost Recovery Factor; Under the City's Original Jurisdiction and Public Utility Commission of Texas Docket No. 51348; Matter: 20-1008-155; (551.071) (551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney is **AUTHORIZED** on behalf of the City to engage in settlement negotiations and propose a Settlement Agreement in Texas PUC Docket No. 51348, *Application of El Paso Electric Company for a Distribution Cost Recovery Factor (DCRF)*.

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

NAYS: None

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- EX4.** Texas Historical Commission request for opinion regarding the nomination of the Downtown El Paso Historic District nomination to the national Register of Historic Places. (551.071) (16-1040-1083.045)

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried to **DIRECT** the City Manager and staff to engage a consultant and to prepare a response letter to the Texas Historical Commission (THC) regarding the National Register of Historic Places nomination of the Downtown El Paso Historic District. Further, to authorize and direct the Mayor to submit the letter to the THC in response to the request from the THC for an opinion regarding the nomination of the Downtown El Paso Historic District nomination to the National Register of Historic Places.

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

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Motion made by Representative Annello, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 1:31 p.m.

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