

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
May 11, 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. Discussion and action with Combined Arms and the Chief Military Officer to update Council on the results on the El Paso Veterans Needs Assessment.

Mr. Paul Albright, Chief Military Officer and Mr. Lance Lehr, Veterans Affairs Advisory Committee member, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The presentation included results from a veteran needs assessment survey approved by City Council. The information obtained captured a breakdown on the type of services and measured the needs for the different groups of respondents.

Ms. Monique Rodriguez, El Paso Regional Manager for Combined Arms, provided information on the recently expanded non-profit and the services they provide.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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2. A) Presentation on the COVID-19 Budget Update.

Mr. Tommy Gonzalez, City Manager, introduced the item.

The following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office).

- Ms. Nicole Cote, Office of Management and Budget Director
- Mr. Robert Cortinas, Chief Financial Officer
- Fire Chief Mario D'Agostino
- Ms. Nicole Ferrini, Community and Human Development Director
- Ms. Jessica Herrera, Economic and International Development Director
- Ms. Laura Cruz-Acosta, Strategic Communications Director

Ms. Dionne Mack, Deputy City Manager, explained the relationship with Battelle, a nonprofit company, which will be a key player in the new COVID-19 Enhanced Regional Public Health Partnership, and introduced Dr. Nicole Brennan, Director of Health Research at Battelle, who is now stationed in El Paso and is part of this new partnership.

Ms. Emma Schwartz, President of the Medical Center of the Americas Foundation, commented on the new partnerships.

Mayor Margo and Representatives Svarzbein, Annelo, Hernandez, Rodriguez, and Rivera commented and posed questions to City staff.

The following City staff members commented and answered questions from Council members:

- Mr. Cary Westin, Senior Deputy City Manager
- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer
- Fire Chief Mario D'Agostino
- Ms. Jessica Herrera, Economic and International Development Director
- Ms. Nicole Ferrini, Community and Human Development Director
- Ms. Karla Nieman, City Attorney

B) RESOLUTION

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

WHEREAS, on March 17, 2020 City Council Issued an Emergency Ordinance Instituting Emergency Measures Due to A Public Health Emergency ("Emergency Ordinance"); and

WHEREAS, some local businesses have been ordered to cease operations due to national and local regulations related to the COVID-19 pandemic, causing a large number of lay-offs and economic strain for the City and its residents and businesses; and

WHEREAS, COVID-19 pandemic is a public health crisis pandemic that has required immediate action from the City to relieve the emergency necessity of the municipality's residents and to protect the health and safety of the community,

resulting in expenditures by City to respond to the COVID-19 public health emergency; and

WHEREAS, on March 27, 2020, the federal government enacted the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”), which established the Coronavirus Relief Fund (“Fund”) and appropriated \$150 billion to the Fund to be used to address the economic fallout caused by the COVID-10 pandemic; and

WHEREAS, the City is a recipient of the CARES Act grant in the amount of \$118,956,278.90 from the Fund; and

WHEREAS, the City Council desires to appropriate the CARES Act grant funds in accordance with the requirements stipulated by the CARES Act and federal guidelines.

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

THAT as the recipient of the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”) grant funds in the amount of \$118,956,278.90, the City Council approves the appropriation of the grant funds to cover the cost that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

THAT, the City Manager, or designee, be authorized to effectuate any budget transfers and execute any contracts and/or related documents necessary to ensure that the funds are properly expended for such purpose.

The following members of the business community commented on Monday, May 11, 2020:

1. Ms. Susan Goodell
2. Mr. Demetrio Jimenez
3. Ms. Carol Henry Bohle
4. Ms. Laura Ponce
5. Ms. Diana Porras
6. Ms Tracy Yellen
7. Mr. Dylan Corbett
8. Bishop Mark Seitz
9. Mr. Jose Manuel De La Rosa
10. Mr. Bill Schlesinger
11. Mr. Eric Pearson

12. Mr. Josiah Heyman
13. Ms. Melissa Lopez

1ST MOTION

Motion Made by Representative Hernandez, seconded by Representative Rivera, and carried to **POSTPONE ACTION** on Item 2B until Tuesday, May 12, 2020.

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

NAYS: Representatives Morgan and Lizarraga

The following members of the business community commented on Tuesday, May 12, 2020:

1. Mr. Gilbert Anchondo
2. Mr. Gilberto L. Anchondo
3. Mr. Kelly Hess Goldman
4. Ms. Lupe Mares
5. Mr. Joe Gudenrath

2ND AND FINAL MOTION ON MAY 12, 2020

Motion made by Representative Rodriguez, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Morgan

3. Animal Services COVID—19 Emergency Response.

Ms. Paula Powell, Animal Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Powell's presentation involved a comparison of the department's operations before and during the pandemic, as well as a glimpse into the future based on lessons learned.

Representative Rivera commented.

NO ACTION was taken on this item.

4. Presentation on the Texas Disaster Act of 1975 as it pertains to Local Emergency Declarations, Directives and Ordinances in relation to COVID-19.

Assistant City Attorneys, Mr. Omar De La Rosa and Ms. Anna Schumacher, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The presentation included information regarding the legal authorization process in time of disaster, along with an explanation on the powers of the Mayor, emergency

meetings, effects of a disaster declaration, emergency ordinances and emergency directives.

Representative Svarzbein commented.

NO ACTION was taken on this item.

5.

ORDINANCE 019055

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

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

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, on April 13, 2020, the City Council adopted Emergency Ordinance No. 019050, Re-Enacting Emergency Ordinance No. 019035 Extending a Disaster Declaration Due to a Public Health Emergency; 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. 019050 which re-enacts Emergency Ordinance No. 019035 is set to expire on May 13, 2020; and

WHEREAS, the number of COVID-19 cases in the City of El Paso continue to rise with the existence of over 1,000 cases in El Paso; 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 on March 17, 2020, and reenacted through Emergency Ordinance No. 019050 on April 13, 2020, 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.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annelo, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Margo consented to the adoption of the Emergency Ordinance.

6.

ORDINANCE 019056

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019036,
AS AMENDED BY EMERGENCY ORDINANCE NO. 019045, AND
AS AMENDED AND RE-ENACTED BY EMERGENCY ORDINANCE NO.
019051; PENALTY AS PROVIDED IN SECTION 8**

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

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, on March 30, 2020, the City Council adopted Emergency Ordinance No. 019045, amending Emergency Ordinance No. 019036; and

WHEREAS, on April 13, 2020, the City Council adopted Emergency Ordinance No. 019051, an Emergency Ordinance Amending and Re-Enacting Emergency Ordinance No. 019036; 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, Emergency Ordinance No. 019051 which re-enacts Emergency Ordinance No. 019036 is set to expire on May 13, 2020; 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 March 17, 2020, Emergency Ordinance No. 019036, as amended by Emergency Ordinance No. 019045, and as amended and re-enacted by Emergency Ordinance No. 019051, which shall take effect on May 11, 2020, and remain in effect until June 10, 2020 or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order; and

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

1. That Emergency Ordinance No. 019036, as amended by Emergency Ordinance No. 019045, and as amended and re-enacted by Emergency Ordinance No. 019051, shall 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. 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.

Motion made by Representative Hernandez, seconded by Representative Anello, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Margo consented to the adoption of the Emergency Ordinance.

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EXECUTIVE SESSION

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Svarzbein, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:54 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
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 Svarzbein, and
unanimously carried to adjourn the Executive Session at 4:11 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

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EX1. Briefing on Letter of Intent regarding golf course operation and concession project.
(551.071) (551.072) (551.087)

NO ACTION was taken on this item.

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EX2. The City of El Paso through The El Paso Water Utilities Public Service Board v.
Mesa Executive Park, L.P., pending in the Eighth Court of Appeals under Case No.
08-18-00199-CV; Matter No. 19-1009-1032 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative
Rivera, and unanimously carried that the City Attorney be **AUTHORIZED** settlement
authority to resolve this case entitled The City of El Paso through The El Paso Water
Utilities Public Service Board v. Mesa Executive Park, L.P., pending in the Eighth
Court of Appeals under Cause No. 08-18-00199-CV. The City Attorney, through
outside counsel for the City of El Paso, is authorized to negotiate a settlement
agreement and sign all necessary documents to effectuate this authority under
Matter No. 19-1009-1032, as recommended by the City Attorney.

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

NAYS: None

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EX3. Claim of Pigrum, Qualion Matter No. 19-1050-3371 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative
Hernandez, and carried that the City Attorney's Office be **AUTHORIZED** to accept
the settlement demand and sign all necessary settlement documents in the property
damage claim of Claimant, Qualion Pigrum, pending I Matter No. 19-1050-3371.

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

NAYS: Representatives Svarzbein, Annello, and Hernandez.

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EX4. Proposed Strategic Real Estate acquisitions for facilities necessary for COVID-19
response. (551.071) (551.072).

NO ACTION was taken on this item.

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EX5. Discussion regarding the acquisition of real property along Edgemere Boulevard related to the development of the Montana Rapid Transit System. (551.071) (551.072).

NO ACTION was taken on this item.

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The Work Session was **RECESSED** at 4:15 p.m. on **May 11, 2020**.

The Work Session was **RECONVENED** at 4:03 p.m. on **May 12, 2020**.

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **ADJOURN** this meeting at 4:25 p.m. on May 12, 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