

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
JOE MOLINAR, 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 05, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 A.M.**

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The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:21 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Cassandra Hernandez, Joe Molinar, Isabel Salcido, and Henry Rivera. Alexsandra Anello joined virtually. Late arrival (s): Claudia Rodriguez at 9:45 a.m. Peter Svarzbein and Cissy Lizarraga requested to be excused.
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AGENDA

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1. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Tommy Gonzalez)

Ms. Tracey Jerome, Senior Deputy City Manager, began the overview by announcing that the number of new cases and hospitalizations had risen elevating the City's community risk to a high status according to the Centers for Disease Control and Prevention's measure. She continued by saying that the number of new cases were three times higher than those reported last month and said bed capacity related to COVID-19 hospitalizations were at 6%. She reminded the community that vaccinations were the best protection against COVID-19 and the flu and encouraged the use of non-pharmacological options. Ms. Jerome ended by providing resource information available in the City for additional help.

2. City Attorney Overview (Karla Nieman)

- a. State Disaster Declaration
- b. Emergency Ordinances
- c. Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
- d. Additional Updates

Ms. Karla Nieman, City Attorney, reported that the State's Disaster Declaration was expected to be renewed in January and highlighted the need to renew the local Emergency Ordinances related to the virus. She did not have any updates related to the mask mandate litigation cases and said the public health emergency had been extended on October 13, 2022 for an additional 90 days. She ended her portion of

the presentation by providing an update on trial settings related to COVID-19 cases currently filed in the Municipal Courts.

3. Team Lead Report:
 - a. Health Focus (Hector Ocaranza, M.D.)
 - i. COVID-19 Update
 - ii. Influenza Update
 - iii. RSV Update

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by also highlighting the sharp increase in COVID-19 and influenza cases and said hospitalizations had doubled with over 100 patients hospitalized as a result. He explained that the Bivalent booster and flu vaccines were effective in preventing serious illness adding that there was also a significant increase in RSV cases among the pediatric population. Dr. Ocaranza recommended taking preventative measures according to individual risk levels.

4. City Manager Wrap-up (Tommy Gonzalez)

Ms. Jerome closed out the presentation by saying that the combination of COVID-19, the flu and RSV viruses were straining the healthcare system and reminded the public to remain vigilant and take health precautions with the increase in gatherings and travel during the holiday season.

NO ACTION was taken on this item.

2.

ITEMS 2 THROUGH 4 WERE TAKEN TOGETHER

ORDINANCE NO. 019405

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 re-enactment taking place on November 7, 2022; and

WHEREAS, despite local COVID-19 cases continuing to decline, the risk of contracting COVID-19 remains and new variants of the virus are expected to arise; and

WHEREAS, as of November 15, 2022, the number of new COVID-19 active cases reported in El Paso is 352 and the cumulative number is 290,510; 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. 019395 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 07, 2022;

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.

3. ORDINANCE NO. 019406

AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019036 INSTITUTING EMERGENCY MEASURES, AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 and 019284; 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, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on November 7, 2022; 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 Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, 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 re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, is hereby re-enacted.
2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, shall remain in full force and effect 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.
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, pursuant to City Charter Section 3.10.

4.

ORDINANCE NO. 019407

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019241;**

ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND PRIVATE PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES; 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, with the most recent re-enactment taking place on November 07, 2022; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on November 18, 2022; 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 October 11, 2021, 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. 019241**"); 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, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on November 07, 2022 (Ord. No.019397) ("Re-enacting Ordinance"); 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, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until January 04, 2023 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. 019241, 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. 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.

Mayor Leeser commented.

Ms. Karla Nieman, City Attorney, commented.

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

AYES: Representatives Annello, Molinar, Salcido, Rodriguez, and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Hernandez

ABSENT: Representatives Svarzbein and Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinances.

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5. Presentation, discussion and action by the City Manager's Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis.

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

- Assistant Fire Chief Jorge Rodriguez
- Retired Fire Chief Mario D'Agostino, Deputy City Manager of Public Safety

Some of the highlights in the presentation included statistics related to migrant crossings between April to November with over 22,000 migrant crossings during the month of November alone. Information related to \$5 million in pending reimbursements and ongoing efforts and collaboration in anticipation of the December 21st lifting of Title 42 were also included. It was noted that over 60 Office of Emergency Management employees were assisting at local non-governmental organizations.

Mayor Leeser and Representative Rodriguez commented.

NO ACTION was taken on this item.

6. **ORDINANCE NO. 019408**

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN PERSONNEL
AND RESOURCES TO ASSIST IN ADDRESSING THE HUMANITARIAN AND PUBLIC
SAFETY CRISIS RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

WHEREAS, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

WHEREAS, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border in hopes that President Biden will ease immigration restrictions that will make it easier to enter the United States; and

WHEREAS, on April 1, 2022, the Centers for Disease Control and Prevention (“CDC”) announced the repeal of the Public Health Services Act, 42 U.S.C. §265 (“Title 42”), which was expected to allow for the inflow of migrants from the southern border; and

WHEREAS, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

WHEREAS, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

WHEREAS, on November 15, 2022 a U.S. district court judge struck down Title 42 ending the directive; and

WHEREAS, Department of Homeland Security enforcement of Title 42 will continue through December 21, 2022; and

WHEREAS, the Southwest had 204,273 land border encounters in the month of October, 2022; and

WHEREAS, the El Paso sector of CBP had 58,284 land border encounters in the month of October, 2022 and a total of 53,284 encounters for federal fiscal year 2023; and

WHEREAS, when the City faced a migrant surge in March of 2019, the Annunciation House, a local non-governmental organization (“NGO”), was able to establish over thirty hospitality sites throughout the El Paso region, versus today’s fifteen hospitality sites; and

WHEREAS, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites (ten in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico); and

WHEREAS, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

WHEREAS, when the U.S. Customs and Border Protection’s (“CBP”) Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

WHEREAS, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

WHEREAS, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

WHEREAS, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; and

WHEREAS, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

WHEREAS, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

WHEREAS, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

WHEREAS, OEM has provided isolation and quarantine services to over 2,708 migrants in close coordination with NGOs since April 2020; and

WHEREAS, although Title 42 enforcement remains in place, the number of Border Patrol encounters remains high, averaging 1,500 per day; and

WHEREAS, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

WHEREAS, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City’s Migrant Welcome Center, was over 1,000 on a daily basis; and

WHEREAS, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services to over 19,300 migrants through October 20, 2022, and

WHEREAS, there was over 40,000 community releases to local NGOs and the City during this period; and

WHEREAS, the City's Welcome Center has sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

WHEREAS, Sun Metro buses have transported upwards of 4,800 migrants to the El Paso International Airport, bus stations, the Welcome Center, and shelters; and

WHEREAS, the City has provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; and

WHEREAS, October 12, 2022, the Department of Homeland Security created a humanitarian immigration pathway giving 24,000 Venezuelan migrants advanced authorization to enter and stay in the country for a period of two years; and

WHEREAS, although the number of Venezuelan migrants has dropped significantly since implementation of the DHS policy, the number of encounters at the border remains high averaging over 1,500 per day and the number of CPB/ICE community releases remains high at 300-600 releases on a daily basis; and

WHEREAS, with the repeal of Title 42, people of all nationalities will soon be able to declare asylum at our borders, and the number of asylum seekers is expected to dramatically increase; and

WHEREAS, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

WHEREAS, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

WHEREAS, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region during an ongoing global pandemic; and

WHEREAS, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

WHEREAS, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

WHEREAS, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

WHEREAS, the potential encampment of large groups of migrants on City rights of way and parks poses safety risks to migrants and citizens alike; and

WHEREAS, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a

valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

WHEREAS, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

WHEREAS, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

WHEREAS, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 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 Representative Molinar, seconded by Representative Hernandez, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

7. Presentation and discussion by the Financing of Campaign Elections Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Robert Cortinas)

Mr. Robert Cortinas, Deputy City Manager, introduced the item by explaining the items to be presented and providing a general overview.

2. Key Considerations (Karla Nieman)

Ms. Karla Nieman, City Attorney, went over key considerations related to the legality of the proposals as presented by the El Pasoans for Fair Elections petitioners.

3. Team Lead Report:

- a. Operations Overview (Laura Prine)
- b. Research and comparative analysis (Kristen Hamilton-Karam, Ed McDonald)

Ms. Laura Prine, City Clerk, continued the presentation by going over the team composition, key deliverables, and a team organizational chart.

Ms. Nieman explained the City's approach to conducting research and comparative analysis providing a snapshot of preliminary findings of cities with campaign financing rules.

4. Next Steps (Laura Prine)

Ms. Prine, concluded the presentation by providing the next steps for the team which include researching of related ordinances and best practices, and obtaining community input prior to returning with back recommendations for Council's consideration.

Ms. Laura Cruz-Acosta, Strategic Communications Director, went over the plan for obtaining stakeholder feedback during the process.

Mayor Leeser and Representatives Annello, Hernandez, Molinar, Rodriguez, and Rivera commented.

Ms. Veronica Carbajal, President, Justicia Fronteriza, commented.

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Hernandez seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 10:39 a.m.

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

NAYS: None

ABSENT: Representatives Svarzbein and Lizarraga

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk