

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**  
**June 21, 2021**  
**9:05 AM**

**Due to the temporary suspension of specified provisions 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 9:28 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Joe Molinar requested to be excused. Early departures: Cissy Lizarraga at 11:27 a.m. and Cassandra Hernandez at 3:10 p.m.  
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**AGENDA**

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- 1. Discussion and action that the City Manager be authorized to sign an Economic Development Program Agreement (“Agreement”) between the City of El Paso (the “City”) and Charter Communications, Inc. (the “Applicant”), regarding Applicant’s improvements and expansion of its facilities at 11950 Don Haskins Drive and 8460 Gran Vista Dr., El Paso, Texas. Pursuant to the Agreement, Applicant will invest \$16,100,000; create 929 new full-time positions. In exchange, the City will provide incentives not to exceed \$309,168.**

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

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

Motion made by Representative Rivera, seconded by Representative Hernandez and unanimously carried to **APPROVE** the item.

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

NAYS: None

ABSENT: Representative Molinar

- .....
- 2. 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)**

Mr. Tommy Gonzalez, City Manager, introduced the item and explained that the City has exceeded the State and National vaccination rates illustrating the City reached the President's goal of having 70% of the population with a first dose by July 4<sup>th</sup>. He added that no appointments were needed at vaccination sites and said the reopening of Senior Citizen Centers was underway.

**2. City Attorney Overview (Karla Nieman)**

- a) State Disaster Declarations**
- b) Emergency Ordinances**
- c) Additional Updates**

Ms. Karla Nieman, City Attorney, provided an update on the State Disaster Declaration stating the Governor is expected to issue a renewal prior to July 4<sup>th</sup> and said the moratorium on evictions remained in place. Ms. Nieman added that the litigation cases between the State of Texas and the City of Austin and Travis County had been dismissed.

**3. Team Lead Report:**

**1. Health Focus (Hector Ocaranza, M.D.)**

Dr. Hector Ocaranza, Public Health Authority, provided an update on the current pandemic situation and explained that a downward trend continues in all three of the pandemic's main indicators in spite of the Memorial Day holiday. He stated that outreach to address vaccine hesitancy continues.

**4. City Manager Wrap Up**

Mr. Tommy Gonzalez, City Manager, closed the presentation by stating the City could reach herd immunity by August which could initiate a return back to the office. He added that face to face meetings were taking place in some offices.

Mayor Leeser and Representatives Svarzbein, Hernandez, Rodriguez, and Rivera commented.

Fire Chief Mario D'Agostino responded to a question regarding the status on the ports of entry by saying they have yet to reopen however, an update was expected by July 21<sup>st</sup>.

Ms. Kristen Hamilton, Senior Assistant City Attorney, responded to a question regarding the suspension of specified provisions of the Texas Open Meetings Act by explaining the suspension was correlated to the State Disaster Declaration and informed Council that this didn't prevent them from attending meetings in person if they so desired.

**NO ACTION** was taken on this item.

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The Work Session was **RECESSED** at 11:27 a.m. to hold a press conference related to item 1.

The Work Session was **RECONVENED** at 1:04 p.m.

3. **Presentation and discussion on the 2021 All-America City award and key updates focused on COVID-19 Community Response and Recovery Programs including rental assistance, utility assistance and community resource navigation services.**

Ms. Nicole Ferrini, Chief Resilience Officer, in conjunction with the following community partners presented a PowerPoint presentation (copy on file in the City Clerk's Office):

1. Ms. Andrea Ramirez, Chief Executive Officer, Amistad
2. Ms. Mica Short, Vice President of Development, Paso Del Norte Community Foundation
3. Ms. Christina Lamour, Vice President of Community Impact, United Way of El Paso County
4. Mr. Jorge Camargo, Outreach Coordinator, Community Resiliency Center

Mayor Leeson expressed his appreciation for the efforts made to help those in need during the pandemic.

Mr. Tommy Gonzalez, City Manager, thanked staff and community partners for their assistance.

**NO ACTION** was taken on this item.

4. **ORDINANCE 019201**

**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 May 24, 2021; and

**WHEREAS**, on June 4, 2021, 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 550; and

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

**WHEREAS**, Emergency Ordinance No. 019190 which re-enacts Emergency Ordinance No. 019035 is set to expire on June 23, 2021; 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.

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

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

NAYS: None

ABSENT: Representative Molinar

**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

5.

**ORDINANCE 019202**

**AN EMERGENCY ORDINANCE  
RE-ENACTING AND AMENDING 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 AND 019191; 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 re-enactment and amendment taking place on May 24, 2021; 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 and amend 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, and as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, 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, and 019191 and penalty as provided in Section 8, is hereby re-enacted.
2. Except as amended herein, 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, and 019191, 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 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.

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

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

Lizarraga  
NAYS: None  
ABSENT: Representative Molinar  
**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

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6. **ORDINANCE 019203**

**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, AS AMENDED BY EMERGENCY  
ORDINANCE NO. 019119; 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, with the most recent re-enactment taking place on January 5, 2021; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on January 5, 2021; 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**"); and

**WHEREAS**, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091, each month, with the most recent re-enaction taking place on May 24, 2021(Ord. No. 019192) ("Re-enacting Ordinance"); 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 amended by Emergency Ordinance No. 019119, which shall take effect immediately, and remain in effect until July 21, 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. 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 Rodriguez, seconded by Representative Salcido, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representative Molinar

**Mayor Leeser consented to the adoption of the Emergency Ordinance.**

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**7. Discussion, action and end of Legislative Session briefing regarding the City of El Paso's State Legislative Agenda for the 87th Texas Legislative Session and other State legislative matters.**

Ms. Lupe Cuellar, Legislative Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions from Council regarding the redistricting process.

Representatives Svarzbein and Rivera commented.

**NO ACTION** was taken on this item

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**EXECUTIVE SESSION**

Motion made by Representative Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:06 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 551.074 PERSONNEL MATTERS

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Molinar  
NOT PRESENT FOR THE VOTE: Representative Lizarraga

Motion made by Representative Salcido, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 3:43 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

AYES: Representatives Svarzbein, Annello, Salcido, Rodriguez, and Rivera  
NAYS: None  
ABSENT: Representative Molinar  
NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

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**EX1. Motion to Authorize Interim Rate Adjustment to Charge Amounts of Texas Gas Service, a Division ONE Gas, Inc. - West Texas Service Area for an interim rate adjustment (GRIP - Gas Reliability Infrastructure Program) Railroad Commission of Texas (21-1008-169) (551.071)**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera that the City Council finds after review of the revised GRIP filing made by Texas Gas Service Company, a division of ONE Gas, Inc. on March 22, 2021, that rates identified in the filing comply with the provisions of the "GRIP" statute, TEXAS UTILITIES CODE §104.301.

1. That pursuant to Texas Utilities Code §104.301, the Interim Rate Adjustment Request filed Texas Gas Service Company, a division of ONE Gas, Inc., on March 14, 2021 and revised on March 22, 2021 is hereby denied.
2. Texas Gas Service Company is ordered to reimburse the City's expenses in reviewing this request within 30 days after it is invoiced.

AYES: Representatives Svarzbein, Annello, Salcido, Rodriguez, and Rivera  
NAYS: None  
ABSENT: Representative Molinar  
NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

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**EX2. Economic Incentives for an Infill Development located in the City of El Paso (21-1007-2744) (551.087)**

**NO ACTION** was taken on this item.

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**EX3. Economic Incentives for a Manufacturing Company to be located in the City of El Paso (21-1007-2740) (551.087) (551.071)**

**NO ACTION** was taken on this item.

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**EX4. Annual performance evaluation for City Attorney (551.074) (551.071)**

**NO ACTION** was taken on this item.

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**EX5. Annual performance evaluation for City Manager (551.074) (551.071)**



**NO ACTION** was taken on this item.

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**ADJOURN**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and unanimously carried to **ADJOURN** the meeting at 3:45 p.m.

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

NAYS: None

ABSENT: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Lizarraga

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk