

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**  
**October 11, 2021**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:05 AM**

.....  
The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:22 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Joe Molinar, Isabel Salcido, Henry Rivera and Cissy Lizarraga. Cassandra Hernandez attended via videoconference. Late arrival: Alexsandra Annello at 10:21 a.m. Claudia Rodriguez requested to be excused. Early Departures: Oscar Leeser at 3:10 p.m. and Cissy Lizarraga at 4:38 p.m.  
.....

**AGENDA**

- .....  
1. **Discussion and action to authorize District 6 Representative Rodriguez to attend the Work Session on October 11, 2021 and Regular City Council Meeting on October 12, 2021 by video conference.**

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **DELETE** the item.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez  
.....

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 presentation by providing current statistical information related to vaccination rates. He said 76% of individuals were now fully vaccinated; with 89% receiving a first dose. Mr. Gonzalez added that 6.6% of total hospital capacity in the area was due to COVID related cases however; this number was only half when compared to the state's percentage. He further added that because of COVID-19 variants the target rate of 75% for herd immunity was no longer considered sufficient as health experts are still learning about the effects of variants. Mr. Gonzalez indicated placing a high priority on vaccinating youths between the ages of 12 to 15 and stated that currently 74% of youths in this category were fully vaccinated; with 95%

receiving a first dose. He explained that the third dose of the vaccine was beneficial for moderately to severely immunocompromised individuals and said the booster vaccine would help protect against severe infection and encouraged individuals to visit the City's COVID-19 webpage for additional information or to consult with their medical provider. Mr. Gonzalez ended the overview by saying the City of El Paso holds the best vaccination rates among the state and promoted safety protocols such as wearing face masks while indoors, social distancing and hand washing.

2. City Attorney Overview (Karla Nieman)

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

Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney, provided an update on the State's Disaster Declaration, expected to be renewed by October 27, 2021 and explained the need to extend 2 emergency ordinances and re-enact an emergency ordinance instituting emergency measures for the temporary use of public right of ways and private property. She also provided an update on pending litigation related to the City's Mask Mandate, which is still pending with the 8<sup>th</sup> Court of Appeals, and added that in the meantime, the Mask Mandate was temporarily paused. Ms. Hamilton-Karam also provided updates on the land port of entry travel restriction effective until October 21, 2021 for non-essential travel and the Eviction diversion program effective until December 1, 2021. She ended the update by providing the status of COVID-19 related offenses filed in the Municipal Courts.

3. Team Lead Report:

- a) Health Focus (Hector Ocaranza, M.D.)

Dr. Hector Ocaranza, Public Health Authority, provided a briefing on COVID-19 cases and said overall the City is doing well compared to the State. He reiterated the benefits of wearing masks indoors, hand washing, and vaccinations along with other non-pharmacological interventions to aid in the fight against the virus. Dr. Ocaranza indicated that hospitalizations were in stage 3 and highlighted the positive effect of the mask mandate in relation to the number of hospitalizations. He urged the community to get vaccinated in anticipation of the upcoming flu season and to take measures to remain proactive against the virus.

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Cary Westin, Senior Deputy City Manager, wrapped up the presentation by saying the City would continue to work with community partners to roll out the distribution of the vaccine booster and third dose to continue to be a leader across the State.

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

3.

**ORDINANCE 019239**

**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 September 13, 2021; and

**WHEREAS**, as of September 30, 2021, the number of COVID-19 active cases in El Paso is over 1,489; 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. 019228 which re-enacts Emergency Ordinance No. 019035 is set to expire on October 13, 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.

**1<sup>ST</sup> MOTION**

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

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annelo

ABSENT: Representative Rodriguez

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

**2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Salcido and unanimously carried to **RECONSIDER** the item.

**3<sup>RD</sup> AND FINAL MOTION**

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

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Rodriguez

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

.....  
4.

**ORDINANCE 019240**

**AN EMERGENCY ORDINANCE**

**RE-ENACTING 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 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 September 13, 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 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, 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, 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, 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.

**1<sup>ST</sup> MOTION**

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

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez

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

**2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Salcido and unanimously carried to **RECONSIDER** the item.

**3<sup>RD</sup> AND FINAL MOTION**

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

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

NAYS: None

ABSENT: Representative Rodriguez

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

**AN EMERGENCY ORDINANCE INSTITUTING EMERGENCY MEASURES TO  
ALLOW 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 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**, to that end, the El Paso City Council hereby suspends various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property.

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

**SECTION 1. SUSPENSION AND MODIFICATION OF ORDINANCES.**

A. The following El Paso City Code provisions are hereby suspended, only as they apply to the temporary uses identified and described in this Ordinance under Section 2(B) below:

<u>Title</u>	<u>Section</u>	<u>Sub-Section</u>	<u>Name</u>
Title 9	9.12	9.12.010	Food And Food Handling Establishments-Definitions
Title 9	9.12	9.12.050	Food And Food Handling Establishments-Permit-Contents
Title 12	12.20	12.20.090	Traffic Control Devices-Display of unauthorized signs
Title 12	12.30	12.30.030	Temporary Traffic Control-Permit required
Title 12	12.30	12.30.040	Temporary Traffic Control-Failure to obtain a temporary traffic control permit
Title 12	12.30	12.30.050	Temporary Traffic Control-Permit application
Title 12	12.30	12.30.060	Temporary Traffic Control-Permit bond and insurance required

Title 12	12.30	12.30.070	Temporary Traffic Control-Permit fees
Title 12	12.30	12.30.120	Temporary Traffic Control-Correction of violations, removal of traffic control devices, fees
Title 12	12.30	12.30.160	Temporary Traffic Control-Violation
Title 12	12.36	12.36.030	One-Way Streets-Restricting direction at certain times
Title 12	12.44	12.44.030	Stopping, Standing, And Parking Generally-Proximity to Curb
Title 12	12.44	12.44.180	Stopping, Standing, And Parking Generally-Regulations pertaining to certain special situations
Title 12	12.44	12.44.240	Stopping, Standing, And Parking Generally-Temporary no parking zones
Title 12	12.44	12.44.290	Stopping, Standing, And Parking Generally-Restrictions on parking in downtown parking districts
Title 12	12.52	12.52.010	Parking Restrictions on Certain Streets-Applicability
Title 12	12.56	12.56.020	Parking Meters-Installation
Title 12	12.56	12.56.040	Parking Meters-Operation—Time limits
Title 12	12.68	12.68.020	Visibility Obstructions-Plants, objects, vehicles over three feet
Title 12	12.76	12.76.070	Bicycles-Riding on right side of street
Title 12	12.76	12.76.120	Bicycles-Use of parking meters
Title 12	12.76	12.76.160	Bicycles-Effect of regulations
Title 12	12.76	12.76.170	Bicycles-Violation-Penalty
Title 12	12.80	12.80.150	Miscellaneous Traffic Regulations-Storing Vehicles in streets
Title 12	12.88	12.88.030	Schedules-Schedule III-Parking prohibited at all times on certain streets
Title 12	12.88	12.88.040	Schedules-Schedule IV-Parking prohibited during certain hours on certain streets
Title 12	12.88	12.88.150	Schedule XIV-Speed limits
Title 13	13.20	13.20.040	Miscellaneous Street And Sidewalk Use Regulations-Selling merchandise prohibited on and near public right-of-way
Title 13	13.20	13.20.060	Miscellaneous Street And Sidewalk Use Regulations-Receiving and forwarding goods on sidewalks
Title 13	13.24	13.24.200	City Parks and Recreation Areas-Park and recreation facility use and fee authorization
Title 13	13.32	13.32.010	Temporary Events-Definitions
Title 13	13.32	13.32.020	Temporary Events-Permit required
Title 13	13.32	13.32.030	Temporary Events-Permit application
Title 13	13.32	13.32.050	Temporary Events-Costs and fees
Title 13	13.32	13.32.090	Temporary Events-Violation-Penalty
Title 13	13.38	13.38.020	Special Events-Definitions
Title 13	13.38	13.38.030	Special Events-Permit required
Title 13	13.38	13.38.040	Special Events-Permit application
Title 13	13.38	13.38.050	Special Events-Permitting Criteria
Title 13	13.38	13.38.060	Special Events-Costs and fees
Title 13	13.38	13.38.110	Special Events-Violation-Penalty
Title 15	15.08	15.08.010	Street Rentals-Purpose
Title 15	15.08	15.08.120	Street Rentals-Special privilege licenses and permits
Title 15	15.08	15.08.125	Street Rentals-Violation and penalty

Title 18	18.02	18.02.106.22	Building And Construction Administrative Code-Temporary structures
Title 18	18.02	18.02.106.23	Building And Construction Administrative Code-Permit Fees-Sidewalk, street, alley, public right-of-way, and parking meter space, rental
Title 20	20.02	20.02.936	Definitions-Sign, special event directional
Title 20	20.02	20.02.1076	Definitions-Temporary events on public rights-of-way
Title 20	20.04	20.04.640	Administrative Provisions-Temporary Permits
Title 20	20.04	20.04.660	Administrative Provisions-Signs in public rights-of-way
Title 20	20.10	20.10.410	Supplemental Use Regulations-Off-street parking (serving another property)
Title 20	20.10	20.10.630	Supplemental Use Regulations-Storage of supplies (in connection with a permitted use)
Title 20	20.10	20.10.680	Supplemental Use Regulations-Temporary Uses
Title 20	20.10	20.10.720	Supplemental Use Regulations-Unenclosed parking space shelters
Title 20	20.14	20.14.020	Off-Street Parking, Loading And Storage Standards-Scope
Title 20	20.14	20.14.050	Off-Street Parking, Loading And Storage Standards-Parking requirements and standards
Title 20	20.14	20.14.060	Off-Street Parking, Loading And Storage Standards-Shared parking
Title 20	20.14	20.14.070	Off-Street Parking, Loading And Storage Standards-Parking reductions
Title 20	20.14	20.14.120	Off-Street Parking, Loading And Storage Standards-Bicycle parking on city right of way
Title 20	20.14	20.14.200	Off-Street Parking, Loading And Storage Standards-Applicability
Title 20	20.14	20.14.210	Off-Street Parking, Loading And Storage Standards-Standards

B. Any other provisions of the El Paso City Code not mentioned above that may govern the temporary uses described in Section 2(B) below are also suspended.

C. Any of the aforementioned provisions that do not apply to the temporary uses on public right of way and private property identified in Section 2(B) below as permitted by this Emergency Ordinance are not suspended or amended, and remain in full force and effect.

**SECTION 2. ESTABLISHMENT OF A PILOT PROGRAM.**

A. The City Manager or designee (“City Administration”) has created temporary requirements, application, and permit to allow/facilitate the temporary uses described in Section 2(B) below for the duration of this Ordinance (“Pilot Program”). Any persons wishing to use public right of way or private property for any temporary uses allowed under Section 2(B) below must submit an application, receive a permit, and abide by all the requirements of this Ordinance and the permit. It is a violation of this Ordinance for a person to use public right of way or private property for any temporary uses described in Section 2(B) below in violation of the requirements of this Ordinance and/or an issued permit.

B. The following are the temporary uses allowed under the Pilot Program:



1. Safe Streets. "Safe Streets" means the occupation of a portion of the public right of way that is currently used as on-street parking and/or automobile traffic that shall be utilized for additional outdoor public space. This space shall be used for the following purposes:
  - a. Ped-Way (Pedestrian Lane): "Ped-Way (Pedestrian Lane)" means the use and occupation of an area that is to be utilized for outdoor recreational purposes, including but not limited to, pedestrian movement, bicycling, and/or Shared Use Mobility Devices.
  - b. ROW Café: "ROW Café" means the use and occupation of an area that is to be utilized for businesses to provide additional space for outdoor dining and seating, space for patrons, and merchandise, which encompasses a partial street closure of the entire block, which may or may not include onstreet parking, directly fronting only their establishment.
  - c. Parking-parklet: "Parking-parklet" means the use and occupation of an area that is to be utilized for businesses to provide additional space outdoor dining and seating, space for patrons, and merchandise, which encompasses on-street parking spaces directly abutting only their establishment.
2. Safe Business. "Safe Business" means the use and occupation of a portion of private property that is currently used as off-street surface parking spaces serving the abutting commercial establishment shall be utilized for additional outdoor dining space, outdoor queuing, and order pick-up and drop-off serving only their establishment.
3. Safe Food Court. "Safe Food Court" means the use and occupation of a portion of public right of way or the occupation of a portion private property currently used as shared off-street parking, that is to be utilized and shared by multiple restaurants and/or food trucks for the purpose of outdoor dining and seating, which may or may not abut their establishment.

C. Notwithstanding anything to the contrary, the requirements created by City Administration for the Pilot Program must require all applicants and participants:

1. To follow all applicable local, state, and federal orders and guidelines issued by the Centers for Disease Control pertaining to COVID-19,
2. Continue to allow for the passage of pedestrian traffic at all times,
3. Not allow encroachment into handicap parking/ramps or otherwise reduce the ADA accessibility of the site,
4. Require ADA compliance for access to the outdoor area,
5. Not impede flow from building exits,
6. Be in compliance with any fire and safety ordinances,

7. Be in compliance with TABC rules and regulations,
  8. To indemnify, defend, and hold harmless the City for all claims resulting from the applicant's and/or the applicant's employees', contractors', licensees', and/or invitees' use of public right of way or private property for temporary uses,
  9. To release the City from all claims related to the applicant's use of public right of way or private property for temporary uses,
  10. To pay for any damage caused to the public right of way caused by the applicant or the applicant's employees', contractors', licensees', and/or invitees'.
- D. The City Attorney's Office is authorized to grant waivers of requirements in Section 2(C) (8), (9), and (10) above.
- E. All persons and businesses wishing to use the right of way or private property as described in the Pilot Program must comply with the requirements herein as well as any requirements established by City Administration for the Pilot Program.

### **SECTION 3. LIMITATIONS**

- A. The provisions suspended by this ordinance remain applicable to any temporary uses not addressed by the Pilot Program. Any person wishing to use public right of way or private property not subject to the Pilot Program must comply with all requirements of the El Paso City Code.
- B. Nothing in this ordinance grants any permanent rights to any person pertaining the right of way. Nothing in this ordinance limits the City's control over municipal rights of way. Nothing in this ordinance constitutes a vacation of any portion of the public right of way.
- C. Nothing in this Ordinance allows for any permanent uses of the right of way.
- D. All authorizations to use the public right of way or private property under this Ordinance and/or the Pilot Program are revocable at any time for any reason at the sole discretion of the City Administration for the City of El Paso.

### **SECTION 4. ADMINISTRATIVE TERMINATION OF PILOT PROGRAM**

Due to the uncertainty caused by this pandemic, the City Administration is authorized to terminate the Pilot Program and any uses of public right of way or private property under this order if in the discretion of City Administration such termination is necessary for the health, safety, or welfare of the community. If City Administration terminates the Pilot Program, then all City Code provisions suspended under this order are reinstated as of the date of termination of the Pilot Program.

### **SECTION 5. DURATION OF SUSPENSION**

The suspension or modification of the ordinances and regulations listed herein shall remain in effect for 30 days, unless re-enacted in accordance with City Charter Section 3.10 or until the state of disaster is terminated, whichever is sooner.

**SECTION 6. PENALTIES**

- A. These regulations shall have the effect of ordinances when duly filed with the City Clerk.
- B. A person who violates any provision of these regulations and/or the requirements established by the City Administration pertaining to the Pilot Program under this Ordinance, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

**SECTION 7. SEVERABILITY CLAUSE.**

It is hereby declared to be the intention of the City Council that phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

**SECTION 8. EMERGENCY.**

- A. This emergency 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.
- B. This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This ordinance shall remain in effect for 30 days, unless re-enacted in accordance with City Charter section 3.10 or until a state of disaster is terminated, whichever is sooner.

**1<sup>ST</sup> MOTION**

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

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Rodriguez

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

**2<sup>ND</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Salcido and unanimously carried to **RECONSIDER** the item.

**3<sup>RD</sup> AND FINAL MOTION**

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

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

NAYS: None

ABSENT: Representative Rodriguez

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

.....

**6. Presentation about Climate Change Planning efforts at the City of El Paso, including research on Climate Action Plans in Texas and the South West.**

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

- Ms. Nicole Ferrini, Chief Resilience Officer
- Mr. Fernando Berjano, Sustainability Coordinator

The following community partners commented:

- Mr. Jonathan Kraatz, Executive Director, U.S. Green Building Council Texas Chapter
- Ms. Jazmine Venegas, District Representative from Congresswoman Veronica Escobar's Office

The following City staff members responded to questions from Members of the City Council:

- Mr. Tommy Gonzalez, City Manager
- Mr. John E. Balliew, EP Water President and CEO
- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney
- Mr. Cary Westin, Senior Deputy City Manager for Economic Development and Tourism

Mayor Leeser and Representatives Svarzbein, Annelo, Molinar, and Lizarraga commented.

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

---

**7. Quarterly presentation to the City Council on El Paso Water utility operations and plans.**

Mr. John E. Balliew, EP Water President and CEO, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following members of City staff commented and responded to questions from Members of the City Council:

- Mr. Tommy Gonzalez, City Manager
- Mr. Robert Cortinas, Chief Financial Officer, commented.

Representatives Svarzbein, Annelo, and Hernandez, commented.

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

---

**8. Presentation and update from the El Paso Electric Company on its current and future customer and operations investments and projects.**

Mr. David Coronado, Managing Director of International Bridges and Economic Development, introduced the item.

Ms. Cynthia Pina, Regional Vice President, El Paso Electric, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. James Schichtl, Vice President of Regulatory and Governmental Affairs, El Paso Electric, responded to questions from Members of the City Council.

Representative Svarzbein commented.

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

---

**9. Discussion, update, and action on the 87th Texas Legislative Special Sessions for the 87th Legislature.**

Ms. Lupe Cuellar and Mr. Snapper Carr, Legislative Attorneys, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Israel Irrobali, Legislative Liaison, Economic and International Development, commented.

Representatives Svarzbein, Annelo, Molinar, and Salcido commented.

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

---

**10. RESOLUTION**

**WHEREAS**, the Governor has convened a third special legislative session of the Texas 87th Legislature to consider legislation relating to the apportionment of the State of Texas into districts used to elect members of the Texas House of Representatives, the Texas Senate, the State Board of Education, and the United States House of Representatives, a process known as "redistricting"; and

**WHEREAS**, redistricting is the revision or replacement of existing electoral districts, resulting in new districts with different geographical boundaries in order to equalize population among electoral districts after publication of the United States decennial census indicates population has increased or decreased over the last decade; and

**WHEREAS**, the Texas Senate has proposed a redistricting map ("Map") that would remove Fort Bliss and the El Paso International Airport ("EPIA") from District 16, which is an El Paso-based congressional district and place these two vital economic drivers for our community and region in District 23, which is based in San Antonio; and

**WHEREAS**, if the proposed Map is approved, a significant portion of our City, including a portion of Northeast El Paso, Fort Bliss and the EPIA will be represented by a Congressional delegation member based over 550 miles away as opposed to a member based within the City, familiar with the needs and services of our City and its residents; and

**WHEREAS**, the El Paso International Airport, owned and operated by the City of El Paso, is a catalyst for growth and plays an important role in the strength and resilience of our region's economy; and

**WHEREAS**, the City of El Paso, has identified the continued growth and development of the El Paso International Airport as a key strategic objective, successfully engaging in publicprivate partnerships that result in the development of airport land, including the construction of a \$150 million distribution center, bringing 950 new jobs to the region, and generating over \$48

million in revenue to the Airport over the next 50 years; and

**WHEREAS**, \$3.3 billion of goods moved through the Airport's Foreign Trade Zone No. 68 and \$542 million of merchandise was exported from this Zone to other countries in 2020 alone, and further, Foreign Trade Zone No. 68 is directly responsible for 2,055 jobs; and

**WHEREAS**, with an average of 47 departures per day and an annual 3.5 million throughput in total passenger traffic, the airport facilitates tourism and provides local businesses with access to the global market; and

**WHEREAS**, Fort Bliss has a \$4 billion impact on the local economy, directly employs over 47,000 people and indirectly employs another nearly 84,000, making Fort Bliss the single largest employer in the El Paso region, contributing to the livelihood of at least 1 in 5 people in El Paso; and

**WHEREAS**, in 2020, there were nearly 38,000 active duty family members that reside in the El Paso region where they live, work, and play, while an additional 3,000 soldiers released from active duty decided to make El Paso their permanent home; and

**WHEREAS**, the City of El Paso and Fort Bliss have a history of strong cooperation ensuring our shared community has access to the services critical to public safety, education, and quality of life; and

**WHEREAS**, drawing a district boundary that excludes the El Paso International Airport and Fort Bliss from being represented by a Congressional representative who is locally based and understands the needs of these key community assets and the critical role they play in the strength and resilience of our community;

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

The City Council of the City of El Paso urges the Texas 87th Legislature to support El Paso by ensuring Fort Bliss and the El Paso International Airport remain in Congressional District 16 in its entirety.

Mayor Pro Tempore Svarzbein and Representative Rivera commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried to **AMEND** the Resolution to add the words "in its entirety" at the end of the last sentence of the Resolution.

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

NAYS: None

ABSENT: Representative Rodriguez

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Svarzbein, seconded by Representative Annello, and unanimously carried to **APPROVE** the Resolution as amended.

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

NAYS: None

ABSENT: Representative Rodriguez

.....  
**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:04 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089

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

NAYS: None

ABSENT: Representative Rodriguez

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 3:06 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

ABSENT: Representative Rodriguez

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:10 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, Molinar, Salcido, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Rodriguez

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Executive Session at 5:30 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

.....  
**EX1. Mark Pumphrey v. City of El Paso. Matter No. 21-1024-126 (551.071)**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney, in consultation with the City Manager, be granted settlement authority to resolve the case entitled *Mark Edwin Pumphrey v. City of El Paso*; 243rd District Court; 2020DCV2789.

In addition to negotiating a settlement agreement, the City Attorney is authorized to sign all necessary documents to effectuate this authority under Matter No. 20-1024-126.

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

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

---

**EX2. Application of El Paso Electric Company to Implement a Fuel Surcharge. Public Utilities Commission of Texas Docket No. 52581. Matter No. 21-1008-180**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney is authorized to retain outside counsel and any other necessary consultants, in consultation with the City Manager, and to file an intervention in the Application for a Fuel Surcharge filed by El Paso Electric on September 15, 2021, under Public Utilities Commission Docket No. 52581.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

---

**EX3. Update of Application of El Paso Electric Company to Change Rates, Public Utility Commission of Texas Docket No. 52195. Matter No. 21-1008-174 (551.071)**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and carried that the that City Council hereby schedules a Public Hearing on October 20, 2021 at 6:00pm regarding El Paso Electric Company's Application to Change its Rates, which is hereby called as a special meeting of City Council by majority of Council in accordance with the El Paso City Charter Section 3.5(A).

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

ABSENT: Representative Rodriguez

---

**EX4. Update on Economic Incentives for Manufacturing Company to be located in the City of El Paso. Matter No. 21-1007-2740. (551.071) (551.072) (551.087)**

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

---

**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Annello and unanimously carried to **ADJOURN** the meeting at 5:33 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga



ABSENT: Representative Rodriguez

.....

APPROVED AS TO CONTENT:

---

Laura D. Prine, City Clerk