

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
April 25, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 AM

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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 9:20 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Aleksandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Cassandra Hernandez joined virtually. 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)

Mr. Tommy Gonzalez, City Manager, began the presentation by explaining that the number of new cases remained low and saying that the hospitalization rate was at less than 2% of capacity. He explained that the City's ranking according to the Center for Disease Control and Prevention (CDC) was still classified as low and encouraged the community to visit one of the City clinics to obtain testing and vaccinations without an appointment.

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 & Statewide Mask Mandate Litigation
- d) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation by saying the Governor had extended the State's Disaster Declaration on April 22, 2022 and expressed the need to extend local emergency ordinances. She did not have an update related to the City of El Paso's Statewide Mask Mandate Litigation and explained that as of April 18, 2022, the Transportation Safety Administration (TSA) stopped enforcing mask mandates as ordered by a Florida federal district court despite the recommendation from the CDC. Ms. Nieman ended her overview by providing statistical information related to COVID-19 cases filed in the Municipal Courts.

- 3. Team Lead Report:
 - a) Health Focus (Hector Ocaranza, M.D.)
 - b) Data Analysis (David Coronado)

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by noting that the CDC was still classifying the community level as green with the number of hospitalizations remaining very low. He highlighted that vaccinations, monoclonal therapies, and antivirals provide protection against severe disease and urged the community to continue practicing safety protocols and continue protecting the most vulnerable population.

Mr. David Coronado, Managing Director of Economic Development and International Bridges, provided statistical information related to bridge crossings and the local economy. He explained that economic recovery is progressing as evidenced by a declining unemployment rate, a rise in sales tax allocations, and a rise in manufacturing activity.

- 4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation by reiterating that taxes related to retail sales and hotel/motel reservations were doing well noting that traffic at the El Paso International Airport and International Bridges was also expected to remain steady as long as there was not a future impact from State or Federal regulations.

Mayor Leeser and Representative Anello commented.

NO ACTION was taken on this item.

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2.

ORDINANCE NO. 019322

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 March 28, 2022; and

WHEREAS, as of April 13, 2022, the number of COVID-19 active cases in El Paso is over 600; 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. 019311 which re-enacts Emergency Ordinance No. 019035 is set to expire on April 27, 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

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

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

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

3.

ORDINANCE NO. 019323

**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 March 28, 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.

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

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

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

4.

ORDINANCE NO. 019324

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 March 29, 2022; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on March 23, 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-enactment taking place on March 29, 2022 (Ord. No. 019313) ("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 March 25, 2022 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. 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.

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

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

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

5. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on April 18, 2022.

1. Discussion and Action on External Audit Results for Fiscal Year 2021
 - Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez and Representative Salcido to accept the External Audit Results for Fiscal Year 2021.
2. Discussion and Action on New Post-Issuance Compliance Policy
 - Motion made by Representative Salcido, seconded by Representative Hernandez and approved by Representative Rivera, Representative Hernandez and Representative Salcido to approve the New Post-Issuance Compliance Policy.
3. Discussion and Action on Budget Policies Amendments
 - Motion made by Representative Salcido, seconded by Representative Hernandez and approved by Representative Rivera, Representative Hernandez and Representative Salcido to approve Budget Policies Amendments.
4. Discussion and Action on FY 2021-2022 Audit Plan 2nd Quarter Updates
 - Motion made by Representative Salcido, seconded by Representative Hernandez and approved by Representative Rivera, Representative Hernandez and Representative Salcido to accept the 2nd Quarter Update.
5. Discussion on Client Surveys.

Mr. Miguel Montiel, Internal Audit Manager, provided an overview of on the items discussed during the April 18, 2022 meeting.

Representative Rivera commented.

NO ACTION was taken on this item.

6. Discussion with the Veterans Affairs Advisory Committee to update council on the status of Homelessness, Employment, and Marketing / Outreach for the El Paso Veteran and Military community.

The following presenters participated in an update to council (PowerPoint presentation on file in the City Clerk's Office) and/or responded to questions from Members of the City Council:

- Mr. Paul Albright, Chief Military Office
- Mr. Lance Lehr, Committee Chair
- Mr. Bruce Biegel, Committee Vice-Chair
- Ms. Melissa Harcrow, Committee Member

Mayor Leeser and Representatives Molinar and Salcido commented.

NO ACTION was taken on this item.

7. Provide a quarterly presentation to council to share information about the utility, including updates on the water supply, improvements to the stormwater system, the recent implementation of a new customer information system and the results of this year's customer survey.

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

Representative Svarzbein commented.

The following members of the public commented:

- Ms. Sharon Bonart
- Mr. Rick Bonart

NO ACTION was taken on this item.

The meeting was **RECESSED** at **10:35 A.M.** and **RECONVENED** at **10:58 P.M.** in order to address a safety concern.

8. Presentation and discussion providing a report from the following Goal Team:

1. Vision Block: Exceptional Recreational, Cultural and Educational Opportunities
a) Goal 4 (Quality of Life)

Mr. Ben Fyffe, Managing Director, Cultural Affairs and Recreation, presented a PowerPoint

presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Svarzbein, Rodriguez and Rivera commented.

The following members of City staff commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Nicole Cote, Office and Management and Budget Director

NO ACTION was taken on this item.

9. Discussion and action on a Resolution adopting a districting plan which establishes new Council representative district boundaries based on the 2020 U.S. Census data, to become effective immediately, and dissolving the Districting Commission, as they have completed their duties in the redistricting process per City Charter.

Ms. Karina Brasgalla, Assistant Director for Partnerships, Economic Development, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and Mr. Mariano Soto, GIS Specialist, Information Technology, assisted with calculating the precinct changes.

Ms. Karla Nieman, provided legal advice.

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

The following members of the public commented:

1. Mr. Brian Lopez, submitted a letter from the Washington Delta Neighborhood Association to be read into the record.
2. Ms. Alicia Villa
3. Ms. Hilda Villegas
4. Ms. Sylvia Carreon

1ST MOTION

Motion made by Representative Annello, seconded by Representative Rodriguez, and carried to **RECALL** and **REVISE** Commissioner Draft #7B revised on April 11, 2022 as follows:

MOVE precincts **70, 79, and 80 to District 2**

MOVE precincts **77, 87, and 88 to District 3**

MOVE precincts **106 and 190 to District 6**

MOVE precinct **141 to District 7**

MOVE precinct **17 to District 8**

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

NAYS: Representative Hernandez

ABSENT: Representative Lizarraga

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Svarzbein, to **RECALL** Commissioner Drafts 6 and 7 for consideration.

AYES: Representatives Svarzbein, Hernandez, and Salcido
NAYS: Representatives Annello, Molinar, Rodriguez, and Rivera
ABSENT: Representative Lizarraga
THE MOTION FAILED

3RD AND FINAL MOTION

Motion made by Representative Rodriguez, seconded by Representative Molinar, and carried to **MOVE FORWARD** with map 7B as revised on April 25, 2022 and **REMOVE** Commissioner Draft maps 8 and 8B revised on April 11, 2022 from consideration.

AYES: Representatives Annello, Molinar, Salcido, Rodriguez, and Rivera
NAYS: Representatives Svarzbein and Hernandez
ABSENT: Representative Lizarraga

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:43 a.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 executive session items:

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, Rodriguez, and Rivera
NAYS: None
ABSENT: Representative Lizarraga

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 12:33 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, and Rivera
NAYS: None
ABSENT: Representative Lizarraga

EX1. Albert Lopez and Lexby Lopez v. City of El Paso. Matter No. 17-1036-1318 (551.071)

NO ACTION was taken on this item.

EX2. Purchase, lease, exchange of real property located near Central El Paso, Texas. Matter No. 22-1004-1358 (551.072)

NO ACTION was taken on this item.

EX3. Economic Incentives for a Business Services Company to be located in the City of El Paso. Matter No. 22-1007-2888 (551.087)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Anello, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 2:04 p.m.

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, and Rivera

NAYS: None

ABSENT: Representative Lizarraga

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk