

DEE MARGO  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
PETER SVARZBEIN, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
SAM MORGAN, DISTRICT 4  
ISABEL SALCIDO, DISTRICT 5  
CLAUDIA L. RODRIGUEZ, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CISSY LIZARRAGA, DISTRICT 8

**MINUTES FOR THE URGENT PUBLIC NECESSITY (UPN) MEETING  
OF THE CITY COUNCIL OF THE CITY OF EL PASO  
March 17, 2020  
COUNCIL CHAMBERS, CITY HALL  
11:00 A.M.**

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The City Council of the City Council met on the above time and date. Meeting was called to order at 11:48 a.m. Mayor Dee Margo was present and presiding and the following Council Members answered roll call: Aleksandra Annello, Cassandra Hernandez, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Late arrivals, Sam Morgan at 11:49 a.m. and Isabel Salcido at 11:50 a.m. Peter Svarzbein participated via videoconference.  
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**AGENDA**

1. **ORDINANCE 019035**

**AN EMERGENCY ORDINANCE OF THE CITY OF EL PASO, TEXAS  
EXTENDING A DISASTER DECLARATION DUE TO A  
PUBLIC HEALTH EMERGENCY**

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

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

**WHEREAS**, on March 13, 2020 the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

**WHEREAS**, as of March 16, 2020 there were three COVID-19 presumptive positive tests confirmed in El Paso; and

**WHEREAS**, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, §418.108(b) of the Texas Government Code provides that a local state of disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision; 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**, the condition necessitating 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 shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by order of 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 and shall become effective on the 17th day of March 2020.

Ms. Laura Prine, City Clerk, read floor amendment changing number of confirmed cases from two to three.

Fire Chief Mario D'Agostino read a statement regarding the independence of Dr. Hector Ocaranza, the Local Health Authority, and the weight of his orders.

Mayor Margo and Representatives Annello, Morgan, Rivera, and Lizarraga commented.

Representative Svarzbein read the Emergency Order into the record.

The following City staff members commented:

1. Ms. Karla Nieman, City Attorney
2. Mr. Tommy Gonzalez, City Manager
3. Mr. Cary Westin, Senior Deputy City Manager

Ms. Lisa Turner, citizen, commented.

The emergency meeting was **RECESSED** at 12:00 p.m. in order to reconvene the Regular City Council Meeting for Call to the Public.

The emergency meeting was **RECONVENED** at 1:07 p.m.

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

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

NAYS: None

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

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2.

**ORDINANCE 019036**

**EMERGENCY ORDINANCE INSTITUTING EMERGENCY MEASURES  
DUE TO A PUBLIC HEALTH EMERGENCY;  
PENALTY AS PROVIDED IN SECTION 8**

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

**THAT** an emergency exists; and

**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**, 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**, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated:

**AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF EL PASO, TEXAS:**

That the following is hereby in effect:

1. STATE AND FEDERAL GUIDANCE

The City authorizes the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID-19.

2. CITY BOARDS AND COMMISSIONS

- a) Unless required by State law, all City boards and commission meetings are suspended while this ordinance is in effect.
- b) Any boards and commissions that must meet pursuant to State law should meet pursuant to the Texas Open Meetings Act as provided by the suspension of the Open Meetings Act provisions approved by the Texas Governor and institute best practices in an effort to reduce in person meetings.

3. PRICE CONTROLS

A person shall not sell any of the following goods or services for more than the price the person charged for the goods or services on March 13, 2020:

- a) groceries, beverages, toiletry articles, ice;
- b) construction and building materials and supplies, and earthmoving equipment and machinery;
- c) electrical and gas generating and transmission equipment, parts and accessories;
- d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- e) hand tools (manual and power), hardware and household supplies, and equipment rental;
- f) automotive parts, supplies, and accessories;
- g) plumbing and electrical tools and supplies;
- h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants;
- j) restaurant, cafeteria, and boarding-house meals;
- k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l) medicine, pharmaceutical, and medical equipment and supplies;
- m) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, toilet paper; and
- n) furniture and clothing.

#### 4. SUSPENSION AND MODIFICATION OF ORDINANCES

- a) The following ordinances are hereby suspended or modified as indicated:
  - i. Any ordinance or regulation that imposes an obligation upon the City to deliver in less than five (5) business days any non-essential good, or service, as determined by the Mayor, is hereby suspended.
  - ii. Ordinance number 016736 is hereby modified to read as follows:

*Ordinance granting the authority to the City Manager to enter into and sign certain contracts on behalf of the City is hereby amended to authorize the City Manager to negotiate and enter into contracts, including the issuance of purchase orders, on behalf of the City and sign and bind the City for contracts for the acquisition of goods and services in an amount that exceeds \$50,000 per annum, in order to take immediate action to relieve the emergency necessity of the municipality's residents, to preserve the property of the municipality, and to protect the health, safety, and welfare of the municipality's residents.*
- b) The suspension or modifications of the ordinances and regulations listed in Subsection (a) shall remain in effect for 30 days, unless re-enacted in accordance with City Charter 3.10 or until the state of disaster is terminated, whichever is sooner.

#### 5. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- a) Individuals shall limit the size of public or private gatherings to no more than fifty (50) people in a single space.

For purposes of clarity, a gathering does not include the following spaces:

- (i) Spaces where persons may be in transit or waiting for transit such as airports and bus terminals;
  - (ii) Office space or residential buildings;
  - (iii) Grocery stores, hotels, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
  - (iv) Hospitals and medical facilities.
- b) Bars, lounges, taverns, arcades and private clubs shall close.
  - c) Restaurants may remain open pursuant to the following:
    - i. Restaurants shall limit the amount of people on their premises at one time to half of their designated seating maximum occupancy and ensure that tables are at least 6 feet apart from each other.
    - ii. Restaurants shall disinfect and sanitize commonly touched surfaces and non-food contact surfaces at least once every hour.
    - iii. Restaurants shall not allow parties of more than 6 people at one table.
    - iv. Restaurants must adopt and implement a screening policy for food handlers and all employees, and establish protocols for employees exclusion if they develop the following symptoms:
      - 1. Fever greater than 100°F
      - 2. Cough and shortness of breath
    - v. Make available and visible COVID-19 prevent print materials within the restaurant.

## 6. TEMPORARY ASSISTANCE

The City urges all businesses to provide two weeks of paid sick leave to employees that succumb to COVID-19, are caring for someone with COVID-19, or are subject to quarantine. The City further urges businesses to apply for any available federal funding for the provision of paid sick leave.

## 7. UTILITIES & RESIDENCE

- a) No local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a local resident for lack of payment while this ordinance is in effect.
- b) To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this ordinance is in effect.

## 8. 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, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

## 9. EMERGENCY

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 the state of disaster is terminated, whichever is sooner.

## 10. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the 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.

The following members of the public commented:

1. Ms. Marisa Limon Garza
2. Ms. Aylin V. Perez

Ms. Karla Nieman, City Attorney, read amendments to Section 2, City Boards and Commissions and the Ordinance header into the record.

Ms. Laura Prine, City Clerk, read the Ordinance into the record and an additional amendment to Section 4, Suspension and Modification of Ordinances, Subsection a) ii. Into the record.

Mayor Margo and Representatives Svarzbein, Annelo, Hernandez, Salcido, Rodriguez, Rivera, and Lizarraga commented.

The following City staff members commented:

1. Mr. Cary Westin, Senior Deputy City Manager
2. Mr. Ted Marquez, Deputy City Manager
3. Ms. Monica Lombrana, Chief Operations and Transportation Officer
4. Mr. Tommy Gonzalez, City Manager
5. Fire Chief Mario D'Agostino
6. Ms. Karla Nieman, City Attorney
7. Dr. Hector Ocaranza, Health Authority for the City and County of El Paso
7. Ms. Dionne Mack, Deputy City Manager
8. Assistant Fire Chief Jorge Rodriguez, Office of Emergency Management
9. Mr. Robert Cortinas, Chief Financial Officer

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

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **DIRECT** staff to return with a stabilization fund within 30 days and provide an update in two weeks to assist small local businesses.

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

NAYS: None

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

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

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

NAYS: None

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

**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Morgan, and unanimously carried to **ADJOURN** the meeting at 2:40 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lizarraga

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk