

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

**CITY COUNCIL WORK SESSION MINUTES**  
**September 28, 2020**  
**3:35 PM**

**Due to the temporary suspension 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 of El Paso met on the above time and date via videoconference. Meeting was called to order at 3:50 p.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Aleksandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Peter Svarzbein requested to be excused.  
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**AGENDA**

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**1. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on August 24, 2020.**

1. Discussion and Action regarding an Update to the City of El Paso Investment Policy.
  - Motion made by Representative Lizarraga, seconded by Representative Rivera and approved by Representative Morgan, Representative Lizarraga and Representative Rivera to bring the recommendations to City Council.
2. Discussion and Action regarding an Update to the City of El Paso Debt Service Policy.
  - Motion made by Representative Rivera, seconded by Representative Lizarraga and approved by Representative Morgan, Representative Lizarraga and Representative Rivera to bring the recommendations to City Council.
3. Discussion on 2nd Quarter Audit Plan Updates.
4. Discussion on 3rd Quarter Audit Plan Updates.
5. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, briefed Council on the actions taken during the last meeting.

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

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

1. **Overview**
  - a) COVID-19 Updates-Governor Abbott's Executive Orders

- b) Emergency Ordinances
- c) COVID-19 Judicial Updates
- d) City Attorney's Office COVID-19 Support

## 2. Cross Functional Team Operations

### 3. Team Lead Reports:

- 1. Health Focus
  - a) Community Task Force Short and Long-Term Recommendations
- 2. Data Analysis (David Coronado)
- 3. Financial Focus (Robert Cortinas)
- 4. Testing Recap and Update (Tracey Jerome)
- 5. Community Vulnerabilities + Human Services (Nicole Ferrini)
- 6. Economic Recovery (Miranda Diaz)
- 7. Operations Focus (Cary Westin)

Mr. Tommy Gonzalez, City Manager, introduced the item and the following City staff members presented a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions posed by Council members.

- Ms. Karla Nieman, City Attorney
- Dr. Hector Ocaranza, Health Authority
- Ms. Dionne Mack, Deputy City Manager
- Mr. David Coronado, International Bridges Director
- Mr. Robert Cortinas, Chief Financial Officer
- Ms. Tracey Jerome, Deputy City Manager
- Ms. Nicole Ferrini, Community and Human Development Director
- Ms. Miranda Diaz, Administrative Division Mgr. for Economic and International Development
- Mr. Cary Westin, Senior Deputy City Manager
- Fire Chief Mario D'Agostino

Dr. Nicole Brennan, Director of Health Research, Battelle, participated in the presentation.

Mayor Margo and Representatives Anello, Hernandez, and Lizarraga commented.

Ms. Cindy Ramos Davidson, citizen, commented.

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

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3.

### ORDINANCE 019097

**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 August 31, 2020; and

**WHEREAS**, on September 7, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; 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. 019089 which re-enacts Emergency Ordinance No. 019035 is set to expire on September 30, 2020; and

**WHEREAS**, the number of COVID-19 active cases in El Paso is slightly over 3,000; and

**WHEREAS**, though the community is beginning to see decreased spread of COVID-19, there is still no COVID-19 vaccine as the nation approaches flu season; and

**WHEREAS**, on September 17, 2020, Governor Abbott reminded the state that as Texas reopens in the midst of COVID-19, increased spread is expected; 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.

Representative Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

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

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

NAYS: None

ABSENT: Representative Svarzbein

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

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4.

**ORDINANCE 019098**

**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019036;  
AS RE-ENACTED AND AMENDED BY  
EMERGENCY ORDINANCE NO.S 019062, 019068, 019081, AND 019090;  
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**, on March 30, 2020, the City Council adopted Emergency Ordinance No. 019045, amending Emergency Ordinance No. 019036; and

**WHEREAS**, on April 13, 2020, the City Council adopted Emergency Ordinance No. 019051, an Emergency Ordinance Amending and Re-Enacting Emergency Ordinance No. 019036; and

**WHEREAS**, on May 11, 2020, the City Council adopted Emergency Ordinance No. 019056, an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019036, as amended and

**WHEREAS**, on June 8, 2020, the City Council adopted Emergency Ordinance No. 019062, an Emergency Ordinance Re-Enacting and Amending Emergency Ordinance No. 019036, as amended and

**WHEREAS**, on July 8, 2020, the City Council adopted Emergency Ordinance No. 019068, an Emergency Ordinance Re-Enacting and Amending Emergency Ordinance No. 019036, as amended; and

**WHEREAS**, on August 4, 2020, the City Council adopted Emergency Ordinance No. 019081, an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019036, as amended; and

**WHEREAS**, on August 31, 2020, the City Council adopted Emergency Ordinance No. 019090, an Emergency Ordinance Re-Enacting and Amending Emergency Ordinance No. 019036, as amended; 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 if the emergency still exists; and

**WHEREAS**, Emergency Ordinance No. 019090 which re-enacts Emergency Ordinance No. 019036, as amended, is set to expire on September 30, 2020; 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 March 17, 2020, Emergency Ordinance No. 019036, as amended by Emergency Ordinance Nos. 019062, 019068, 019081, and 019090, which shall remain in effect until October 28, 2020 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 amended by Emergency Ordinance Nos. 019062, 019068, 019081, and 019090, penalty as provided in Section 8, is re-enacted and 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;
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, pursuant to City Charter Section 3.10.

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Morgan, and unanimously carried to **ADOPT** the Emergency Ordinance.

AYES: Representatives Anello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

ABSENT: Representative Svarzbein

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

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5.

**ORDINANCE 019099**

**AN EMERGENCY ORDINANCE  
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, 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, with the most recent extension taking place on August 31, 2020; and

**WHEREAS**, on September 7, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

**WHEREAS**, Governor Abbott's Executive Order No. 30 ("GA-30") limits a majority of retail establishments, including restaurants' dine-in services, to 75% percent total listed occupancy, but does not restrict outdoor areas, events or establishments; 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**") which expires September 30, 2020; 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 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, which shall take effect immediately, and remain in effect until October

30, 2020, 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, penalty as provided in Section 6, 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 Morgan, seconded by Representative Hernandez, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representative Svarzbein

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

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6. Discussion and action on options to amend Title 10 (Public Peace, Morals and Welfare), Chapter 10.20 (Offenses by or Against Minors) to not criminally penalize minors for juvenile curfew violations.

Chief Zina Silva, Police Assistant Chief, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and answered questions posed by Council members.

Representatives Annello, Hernandez, Rivera, and Lizarraga commented.

The following City staff members were available to answer questions from Council members:

1. Municipal Court Judge Enrique Holguin
2. Ms. Lilia Worrell, Municipal Court Clerk
3. Ms. Karla Nieman, City Attorney
4. Mr. Tommy Gonzalez, City Manager

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

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**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Morgan, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 6:33 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  
Section 551.072

CONSULTATION WITH ATTORNEY  
DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

AYES: Representatives Annello, Hernandez, Morgan, Salcido, Rodriguez, Henry and Lizarraga

NAYS: None

ABSENT: Representative Svarzbein

Motion made by Representative Rivera, seconded by Representative Morgan, and unanimously carried to adjourn the Executive Session at 8:17 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

ABSENT: Representative Svarzbein

**EX1. Application of El Paso Electric Company to Amend Its Distribution Cost Recovery Factor; Under the City's Original Jurisdiction and Public Utility Commission of Texas Docket No. 51348; Matter: 20-1008-155. (551.071) (551.087)**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Morgan and unanimously carried to that the City of El Paso **AUTHORIZES** the City Attorney to file a Motion to Intervene in Public Utility Commission of Texas docket number 51348, *Application of El Paso Electric Company for a Distribution Cost Recovery Factor (DCRF)*.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any other necessary consultants in connection with this matter.

AYES: Representatives Annello, Hernandez, Morgan, Salcido, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Svarzbein

**EX2. AT&T Communications – Interstate Division, Special Privilege Debt. Matter No. 17-1044-795 (552.071)**

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Morgan and unanimously carried that the City Attorney, in consultation with the City Manager or his Designee, be **AUTHORIZED** settlement authority to negotiate a settlement and resolve the City of El Paso's claim against AT&T Texas regarding the payment delinquency of several special privilege licenses granted by the City.

The City Attorney in consultation with the City Manager or his Designee is authorized to negotiate a settlement agreement and sign all necessary documents to effectuate this authority under Matter No. 17-1044-795, as recommended by the City Attorney.

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

NAYS: None

ABSENT: Representative Svarzbein

**EX3. Acquisition of Real Property located on Far East El Paso. (551.071) (551.072)**



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

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**EX4.** Economic Incentives for a Warehouse Distribution Company to be located in the City of El Paso (19-1007-2515) (20-1003-1083) (551.071) (551.072) (551.087)

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

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**ADJOURN**

Motion made by Representative Rivera, seconded by Representative Morgan and unanimously carried to **ADJOURN** this meeting at 8:23 p.m.

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

NAYS: None

ABSENT: Representative Svarzbein

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk