

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



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

**CITY COUNCIL WORK SESSION MINUTES**  
**June 21, 2022**  
**COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY**  
**9:05 A.M.**

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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 9:28 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Alexandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Peter Svarzbein joined virtually. Cassandra Hernandez requested to be excused.

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**AGENDA**

1. **Discussion and action on a Resolution calling for additional school safety measures to protect schools from violence through additional funding for training, hiring retired military or law enforcement officers, and calling for minimum safety standards and protocols for all Texas schools in response to the Uvalde, Texas school shooting.**

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

The following City staff members commented and answered questions posed by Council members:

- Ms. Lindsey Adams, Legislative Liaison, Economic and International Development
- Ms. Guadalupe Cuellar, Legislative Attorney
- Mr. Tommy Gonzalez, City Manager
- Ms. Karla Nieman, City Attorney

The following members of the public commented:

1. Mr. Chris Yost
2. Mr. James Peinado
3. Mr. Ben Cheng
4. Ms. Christy Wilke
5. Ms. Lisa Turner

Motion made by Representative Rodriguez, seconded by Representative Salcido to **APPROVE** the Resolution.

AYES: Representatives Salcido and Rodriguez

NAYS: Representatives Svarzbein, Annello, Molinar, Rivera, and Lizarraga

ABSENT: Representative Hernandez

**THE MOTION FAILED**

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**RESOLUTION**

2.

**WHEREAS**, on August 3, 2019, the community of El Paso and the community of Juarez, faced a horrific tragedy that shocked the city, state, nation and the world when a lone shooter walked into a Walmart store and shot 46 people, killing 23 and injuring 23; and,

**WHEREAS**, after this terroristic act of violence against our community, the Texas Legislature recognized the need to take action on mass violence prevention to prevent future tragedies from happening in Texas and established Mass Violence & Community Safety Committees in both the House and the Senate to address the issue of mass violence caused by mass shootings; and,

**WHEREAS**, before the first committee could even meet and within the same month of the El Paso mass violence attack, another horrifying act of mass violence occurred on August 31 in the Midland Odessa community, where one shooter killed seven people and wounded 25; and,

**WHEREAS**, on October 21, 2019 the Texas State Senate, convened a Senate Committee Hearing on Mass Violence & Community Safety in El Paso to address the issue of mass violence and heard from experts in their respective fields providing valuable information related to the ability to establish realistic risk indicators to help identify potential threats; how to make existing laws more effective and efficient; new legislation that will allow counties to add protocols on how to enforce protective orders that require the surrender of firearms; and the use and role of mental health professionals in identifying risk; and,

**WHEREAS**, before the House Committee could convene and before the year even ended, another senseless act of gun violence towards a Texas Community happened on December 29, 2019 in White Settlement where one shooter killed two people in a church; and,

**WHEREAS**, on January 9, 2020, the House Committee on Mass Violence & Community Safety also held a hearing in El Paso, once again hearing from experts on identifying ways in which future tragic events that happened in El Paso, could be prevented; and,

**WHEREAS**, despite the Committee hearings on the prevention of mass violence and promises by State leaders to protect Texas communities from mass shootings, only two bills were passed during the 2021 Legislative Session and no significant common-sense laws to address gun violence prevention were passed; and,

**WHEREAS**, on May 24, 2022, the deadliest school shooting to occur in Texas and the third deadliest in the nation, occurred in Uvalde where 19 children and two teachers were killed in Robb Elementary School and once again, shocked the city, state, nation and the world.

**WHEREAS**, on June 1, 2022, after the mass shooting in Uvalde, Governor Abbott called on the Speaker and the Lieutenant Governor to each convene a special legislative committee to review what steps previous legislatures have enacted, what resources the State has made available to local school districts, and make recommendations to the Legislature and the Executive Branch so that meaningful action can be made on, among other things, the following topics to prevent future school shootings; and,

**WHEREAS**, although making schools safer is the Governor's primary focus of these special legislative committees since during the Governor's tenure two mass shootings at schools have occurred resulting in 31 deaths and 30 injured, there should be a much broader focus on mass shootings since from the time the Governor assumed office, mass shootings have occurred in places other than school grounds, such as the 2016 Dallas mass shooting that killed five officers and injured 11 others; the 2017 Sutherland Springs shooting that killed 26 and injured 20, the August 2019 El

Paso shooting that killed 23 and injured 24, and the August 2019 Odessa Midland shooting that killed 7 people and injured 25; and,

**WHEREAS**, these special legislative committees are similar to the special legislative committees established in 2019 after the El Paso mass shooting incident, where although hours of testimony was taken from the public and subject matter experts, when the Legislature met in the 2021 regular legislative session, no meaningful legislation was passed; and,

**WHEREAS**, the Governor must call a Special Session because the past has shown that convening special committees does not lead to meaningful legislation and the Governor must broaden the focus to include meaningful gun legislation that will protect people not only on school grounds, but everywhere;

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

That the City having gone through a mass shooting event sends its thoughts and prayers to the community of Uvalde and stands in solidarity and strength with the City and people of Uvalde and prays that although lives were shattered on May 24, and the community shocked, saddened and stunned, that the fabric of their community will not be torn.

That through the El Paso community's resiliency and strong sense of community and strength of community the City was able to endure the horrific event of August 3, 2019 and continue to stand strong despite the senseless attack of violence, and now stands ready to assist the community of Uvalde.

That the State Legislature must finally act responsibly to prevent the unimaginable pain caused by a senseless act of gun violence so that no other Texas community should have to endure such suffering.

That although the prevention of continued mass violence in our Texas communities is a complicated, complex issue with no simple answer, the Legislature must act to address the issue and prevent the continued horrific acts of violence from occurring in other Texas cities.

That the City strongly urges and advocates for the legislature to adopt extreme risk protection laws that allow family members or law enforcement to petition the court to temporarily remove firearms from an individual experiencing crisis; provides funding for community-based violence intervention programs; and adopts measures to protect women against gun violence from domestic abusers.

That the City strongly urges and advocates for the strengthening of existing legislation to provide stronger ways to more efficiently, effectively and consistently enforce existing laws or whether new legislation is needed along with new resources, are questions that must be answered and legislative action taken this session.

That the Governor call a Special Legislative Session to address gun violence in general, not just on school grounds.

That during the Special Session, the Legislature passes legislation that will:

- Provide dedicated funding for specialized training either through the School Marshal program or other existing programs already available for the School Districts to hire law enforcement officer or peace officers.

- Provides a dedicated funding source for mental health services and community mental health programs
- Establish and fund statewide minimum standards and guidelines for school safety
- Adopt extreme risk protection laws that allow family members or law enforcement to petition the court to temporarily remove firearms from an individual experiencing crisis;
- Provides funding for community-based violence intervention programs; and adopts measures to protect women against gun violence from domestic abusers.
- Strengthens existing legislation to provide stronger ways to more efficiently, effectively and consistently enforce existing laws.
- Raise the minimum age to purchase firearms to 21.
- Require universal background checks for all firearm sales.
- Implement temporary red flag laws to allow temporary removal of firearms from those who are an imminent danger to themselves or others.
- Require a cooling off period for the purchase of a firearm.
- Regulate civilian ownership of high capacity magazines.

That the City Manager be directed to work with El Paso's State Delegation, El Paso School Districts and other governmental entities to enhance the above efforts.

That a copy of this Resolution be provided to the Governor, Lieutenant Governor, Texas Speaker, and other Texas cities and be included as a priority legislative initiative for the City.

Mayor Leeser and Representatives Svarzbein, Annello, Molinar, Rodriguez, and Rivera.

Ms. Guadalupe Cuellar, Legislative Attorney, answered questions from Members of the City Council and commented.

The following members of the public commented:

1. Mr. Chris Yost
2. Mr. James Peinado
3. Senator Cesar Blanco
4. Mr. Josh Meyer
5. Mr. Ben Cheng
6. Mr. Alexis Gonzalez
7. Ms. Lisa Turner
8. State Representative Claudia Ordaz-Perez submitted a letter that was read into the record.
9. State Representative Lina Ortega submitted a letter that was read into the record.

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

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to move this item to the **FOREFRONT** of the agenda.

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

Motion made by Representative Annello, seconded by Representative Lizarraga and carried to **AMEND** the Resolution by inserting the word "dedicated" prior to "funding" on the first bullet of page 3 of the Resolution.

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

NAYS: Representative Molinar

ABSENT: Representative Hernandez

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

Motion made by Representative Rivera, seconded by Representative Annello and carried to **APPROVE** the Resolution, **AS AMENDED**.

AYES: Representatives Svarzbein, Annello, Salcido, Rivera and Lizarraga.

NAYS: Representatives Molinar and Rodriguez.

ABSENT: Representative Hernandez

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### **3. 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 pointing out that the upward trend in the number of positive COVID-19 cases reported in May were beginning to plateau. He said that hospitalizations were also increasing however as far as the infection rate, the area was still classified on the low end, although approaching a medium status. Mr. Gonzalez said the City was 11 points and about 20 points ahead of the Nation and State respectively as indicated by the City's 82% vaccination rate. He outlined the criteria for receiving vaccination boosters and provided a briefing on the creation of the Youth Advisory Committee prior to introducing Mr. Perez.

#### **2. Special Report by Youth Advisory Board Member, recognized with 1<sup>st</sup> Place at the Business Professionals of America - National Leadership Conference (Jesus Guillermo Perez)**

Mr. Jesus Guerrero Perez, member of Youth Advisory Board, continued the presentation by highlighting his project on hybrid work environments that earned him 1<sup>st</sup> place at a national leadership conference.

#### **3. City Attorney Overview (Karla Nieman)**

- a) State Disaster Declaration
- 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. Karla Nieman, City Attorney, stated that the Governor was expected to renew the State's Disaster Declaration tomorrow resulting in the need to extend today's local emergency ordinances. She said the City's mask mandate litigation was still pending in the Court of Appeals at the State and Local level adding that air travel restrictions were no longer in effect. Ms. Nieman ended her briefing with an update on trial settings filed in the Municipal Courts and said that as of July 1<sup>st</sup> the Courts would no longer be required to impose COVID-19 protocols regarding hearing formats.

#### **4. Team Lead Report:**

- a) Health Focus (Hector Ocaranza, M.D.)
- b) Data Analysis (David Coronado)

Dr. Hector Ocaranza, Public Health Authority, explained that the number of COVID-19 cases were increasing however new hospitalizations were not increasing at the same rate as the number of new

cases. He stated that the new Omicron subvariant was replacing the original Omicron variant and strongly recommended vaccinations for best protection against the virus. Dr. Ocaranza stated that vaccinations for children younger than five years of age were now approved adding that the City would be providing these free of charge. He closed his update by pointing out that a new data dashboard would soon be rolled out and illustrated graphs related to new cases and hospital beds occupied by COVID-19 patients.

Mr. David Coronado, Managing Director of Economic Development and International Bridges, provided statistical information related state of the local economy. He explained that media reports were reporting an upcoming recession with the increase in interest rates by the Federal Reserve. Mr. Coronado said the current business cycle index indicated a decline due to a slight rise in unemployment rates. As far as retail sales tax allocations, he said April figures continue to indicate record breaking numbers with the increase in sales.

Mr. Coronado stated that the U.S. inflation rate had gone from 2% to 9% impacted by the rising cost in fuel, supplies, and other products and said the City would keep an eye on this and adjust current contracts to keep up with the rising costs in providing services.

#### 5. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation by saying the City would work on addressing issues arising from the current inflation situation in order to provide tax relief for residents.

Mayor Leeser and Representative Molinar commented.

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

4.

#### ORDINANCE 019336

#### **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 May 23, 2022; and

**WHEREAS**, as of June 6, 2022, the number of COVID-19 active cases in El Paso is over 2,166; 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. 019330 which re-enacts Emergency Ordinance No. 019035 is set to expire on June 22, 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 Annello, seconded by Representative Rivera and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representative Hernandez

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

5.

**ORDINANCE 019337**

**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 May 23, 2022; 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 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 Annello, seconded by Representative Rivera and unanimously carried to **ADOPT** the Emergency Ordinance.



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

NAYS: None

ABSENT: Representative Hernandez

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

6.

**ORDINANCE 019338**

**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 May 23, 2022; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on May 22, 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 May 23, 2022 (Ord. No. 019332) ("**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 July 20, 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 Annello, seconded by Representative Rivera and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representative Hernandez

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

7.

**ORDINANCE 019339**

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY  
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN PERSONNEL  
AND RESOURCES TO ASSIST IN ADDRESSING THE HUMANITARIAN AND PUBLIC SAFETY  
CRISIS RESULTING FROM A MASS MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 23, 2022, the Mayor and City Council of the City of El Paso (the "City") passed an Emergency Ordinance No. 019333 Authorizing the City Manager to assign Personnel and Resources to assist in addressing the Humanitarian and Public Safety Crisis resulting from a Mass Migration through the City of El Paso; and

**WHEREAS**, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border in hopes that President Biden will ease immigration restrictions that will make it easier to enter the United States; and

**WHEREAS**, because of war between Russia and Ukraine and the political situation in Turkey, Ukrainians, Russians, and Turks are arriving at the Southern border for admission to the United States; and

**WHEREAS**, on April 1, 2022, the Centers for Disease Control and Prevention ("CDC") announced the repeal of the Public Health Services Act, 42 U.S.C. §265 ("Title 42"), which was expected to allow for the inflow of migrants from the southern border; and

**WHEREAS**, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

**WHEREAS**, the Southwest had 234,088 land border encounters in the month of April, 2022; and

**WHEREAS**, the El Paso sector of CBP had 29,838 land border encounters in the month of April, 2022 and a total of 143,124 encounters for federal fiscal year 2022; and

**WHEREAS**, although Title 42 remains in place as a result of the federal litigation, the number of Border Patrol encounters remain high averaging 600 to 1000 per day; and

**WHEREAS**, due to this high volume, the number of refugees and asylum seekers continues to climb resulting in 300-500 releases to the Annunciation House, a local non- governmental organization ("NGO") on a daily basis; and

**WHEREAS**, on some days, the number of releases is lower due to the limited NGO space; and

**WHEREAS**, when the City faced a migrant surge in March of 2019, the NGO was able to establish over thirty hospitality sites throughout the El Paso region, versus today's fifteen hospitality sites; and

**WHEREAS**, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites (twelve in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico; and

**WHEREAS**, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

**WHEREAS**, when the U.S. Customs and Border Protection's ("CBP") Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

**WHEREAS**, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

**WHEREAS**, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management ("OEM") reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO's largest hospitality site; and

**WHEREAS**, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with 30 staff currently assigned; and

**WHEREAS**, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

**WHEREAS**, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

**WHEREAS**, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

**WHEREAS**, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

**WHEREAS**, OEM has provided isolation and quarantine services to over 2,293 migrants in close coordination with NGOs since April 2020; and

**WHEREAS**, the release of mass groups of people without access to potable water, food, or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

**WHEREAS**, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

**WHEREAS**, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region during an ongoing global pandemic; and

**WHEREAS**, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

**WHEREAS**, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

**WHEREAS**, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

**WHEREAS**, the potential encampment of large groups of migrants on City rights of way and parks poses safety risks to migrants and citizens alike; and

**WHEREAS**, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport of migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

**WHEREAS**, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

**WHEREAS**, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

**WHEREAS**, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 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.

Chief Mario D'Agostino, Deputy City Manager of Public Safety, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

Mayor Leeser and Representatives Svarzbein and Annello commented.

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

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

NAYS: None

ABSENT: Representative Hernandez

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

8. **Presentation and discussion by the Youth Advisory Board providing an update on their strategic planning document.**

Ms. Nicole Cote, Managing Director of the Office of Management and Budget and Purchasing and Strategic Sourcing, introduced the item.

The following members of the Youth Advisory Board presented a PowerPoint presentation (copy on file in the City Clerk's Office):

1. Mr. Jesus Guillermo Perez
2. Ms. Amaris Ramos, Co-chair
3. Ms. Ana Huerta, Chair
4. Mr. Seth Granado
5. Ms. Janet Rivera

Mayor Leeser and Representatives Svarzbein, Annello, and Rodriguez thanked the students for serving on the Board.

Motion made, seconded, and carried to **TAKE** this item after item 3.

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

The meeting was **RECESSED** for a lunch break at **12:20 P.M.** and **RECONVENED** at **1:03 P.M.**

**9. Presentation, discussion and action on the FY 2023 preliminary Budget Overview.**

The following members of City staff presented a PowerPoint presentation (copy on file in the City Clerk's Office):

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer
3. Ms. Nicole Cote, Managing Director of Office of Management and Budget and Purchasing and Strategic Sourcing

Representative Svarzbein commented.

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

**10. International Bridges Department Management Update.**

Mr. David Coronado, Managing Director of Economic and International Development and International Bridges, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, and Molinar commented.

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

**EXECUTIVE SESSION**

Motion made by Representative Annello, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:41 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 executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.074 PERSONNEL MATTERS

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

NAYS: None

ABSENT: Representative Hernandez

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** the Executive Session at 5:12 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS:

NOT PRESENT FOR THE VOTE: Representative Annello

ABSENT: Representative Hernandez

**EX1.** City Attorney and City Manager annual performance evaluations. Matter No. 21-1043-688 (551.071)  
(551.074)

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

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**ADJOURN**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and unanimously carried to **ADJOURN** the meeting at 5:13 p.m.

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

NAYS: None

ABSENT: Representative Hernandez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk