

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
PETER SVARZBEIN, DISTRICT 1  
ALEXANDRA 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**  
**March 28, 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 9:26 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Casandra Hernandez requested to be excused. Early Departure: Claudia Rodriguez at 3:58 p.m.  
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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 pointing out the decrease in the number of new COVID-19 cases with the current positivity rate at under 4.3% and noted the decrease in the number of COVID related hospitalizations by highlighting that the total hospital capacity related to the pandemic was at 2.5%. He explained that the City's ranking according to the CDC was downgraded from medium to low resulting in the closure of the City's Mega testing/vaccinations sites however the City clinics will remain open. Mr. Gonzalez emphasized that while the cases were decreasing it is important to remain cautious while spending American Rescue Plan Act (ARPA) funds in order to respond to any surges in cases as a result of future variants.

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 stating that the Governor was expected to renew the State's Disaster Declaration and the need to extend local emergency ordinances. Ms. Nieman stated she did not have an update related to the City's mask mandate litigation but noted that the 3rd Court of Appeals had upheld a temporary injunction over GA-38 allowing the El Paso Independent School District along with 12 other school districts to maintain a mask mandate. She explained that the U.S.

Senate had overturned the federal transportation mask mandate, and provided statistical information related to COVID-19 related cases filed in the Municipal Courts which were still conducting virtual hearings.

3. Team Lead Report:

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

Dr. Hector Ocaranza, Public Health Authority, continued the presentation by noting the decrease in new COVID-19 cases and hospitalizations and highlighted that 80% of the community aged 5 and older were fully vaccinated. In addition, he noted that 95% of senior citizens were fully vaccinated. He asked that everyone respect one another's choices regarding face masks and said vaccines are still the best method of preventing severe COVID-19 effects as the Omicron variant can still cause complications. Dr. Ocaranza ended by illustrating the benefits of the partnership with the University of Texas at El Paso (UTEP) in identifying COVID-19 variants.

4. City Manager Wrap-up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation by saying the City would continue to prepare for any surges and encouraged everyone to practice preventative measures to stay ahead of COVID-19 variants.

Mayor Leeser and Representatives Svarzbein and Rodriguez commented.

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

2.

**ORDINANCE NO. 019311**

**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 February 28, 2022; and

**WHEREAS**, as of March 16, 2022, the number of COVID-19 active cases in El Paso is over 1,170; 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. 019302 which re-enacts Emergency Ordinance No. 019035 is set to expire on March 30, 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 Rivera, seconded by Representative Molinar 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.**

3.

**ORDINANCE NO. 019312**

**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 February 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 Rivera, seconded by Representative Molinar 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.**

4.

**ORDINANCE NO. 019313**

**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 February 28, 2022; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on February 21, 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-enaction taking place on February 28, 2022 (Ord. No. 019304) ("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 April 27, 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 Rivera, seconded by Representative Molinar 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.**

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**5. Presentation and discussion by the Police Department (Safe and Secure City) Cross-Functional Team providing information on key activities, efforts, and processes.**

**1. CFT Operations (Dionne Mack)**

**2. Team Lead Reports: Composition and scope of the El Paso Discipline Review Board and the Shooting Review.**

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

- Ms. Dionne Mack (City Manager's Office)
- Mr. Eric Gutierrez (City Attorney's Office)
- Ms. Samantha Singleton (Border Network for Human Rights Police Accountability Taskforce)
- Police Chief Greg Allen
- Pastor Michael E. Grady (Border Network for Human Rights Police Accountability Taskforce)

Mr. Tommy Gonzalez, City Manager, commented.

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

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

The meeting was **RECESSED** at **11:17 A.M.** and **RECONVENED** at **12:04 P.M.**

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**6. Presentation and discussion on a Street Infrastructure Comprehensive Update.**

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and/or responded to questions from Members of the City Council.

Mr. Tommy Gonzalez, City Manager, commented.

Representatives Svarzbein and Rodriguez commented.

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

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**7. Presentation and discussion on the Capital Improvement 2nd quarter update for active, programmed, and completed capital projects.**

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

1. Mr. Sam Rodriguez, City Engineer
2. Mr. Gerald DeMuro, Assistant Director, Capital Improvement

Mr. Tommy Gonzalez, City Manager, commented.

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

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**8. Discussion on first complete draft of "Onward Alameda" Corridor Plan for Alameda Ave. from downtown to the east side city limit.**

Mr. Joaquin Rodriguez, Capital Improvement Project Manager, provided an overview of the Plan and provided a demonstration of the information contained on the designated website.

Mr. Tommy Gonzalez, commented.

Representatives Svarzbein, Rodriguez, and Lizarraga commented.

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

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**ITEMS 9 AND 10 WERE TAKEN TOGETHER**

- 9. Discussion of an ordinance amending various sections of Title 19 (Subdivision and Development Plats), to adopt the El Paso Street Design Manual, to update references to the design standards for construction to the street design manual, and to update standards of construction for streets.**
- 10. Discussion of an ordinance amending the 2025 proposed thoroughfare system, as incorporated into "Plan El Paso" to add context area classifications to all included thoroughfares and to make minor changes to the thoroughfare system based on existing conditions and development patterns.**

Mr. Joaquin Rodriguez, Capital Improvement Project Manager, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representative Svarzbein commented.

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

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**EXECUTIVE SESSION**

Motion made by Representative Annello, seconded by Representative Rivera, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:50 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 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Hernandez

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 4:32 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Hernandez

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**EX1. Celia Sanchez, et al v. City of El Paso, Texas et al. Matter No. 17-1026-8443 (551.071)**

The item was not discussed in executive session and **NO ACTION** was taken

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**EX2. Max Grossman Lawsuit v. City of El Paso; Texas Supreme Court, Case No. 21-1105 Matter No. 17-1001-171.001 (551.071)**

The item was not discussed in executive session and **NO ACTION** was taken

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

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

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**EX4. Avoided Costs Exception | Petition of the PUC Staff for a Good Cause Exception to §25.181(D)(3)(A) and to set the Avoided Cost of Energy Under §25.181(D)(3)(A) for 2022 Electric Utility Energy Efficiency Programs; Public Utility Commission of Texas Docket No. 52871. Matter No. 21-1008-184 (551.071)**



Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and carried that the City Attorney be **AUTHORIZED** settlement authority to sign all settlement documents to resolve all issues in Texas Public Utility Commission Docket No. 52871, *Petition of the Public Utility Commission Staff for a Good Cause Exception to §25.181(D)(3)(A) and to set the Avoided Cost of Energy Under §25.181(D)(3)(A) for 2022 Electric Utility Energy Efficiency Programs.*

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Hernandez

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**EX5. Economic Incentives for a Transit-Oriented Development located in the City of El Paso. Matter No. 21-1007-2869 (551.087)**

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

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**EX6. Economic Incentives for a Transit-Oriented Development located in the City of El Paso. Matter No. 21-1007-2870 (551.087)**

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

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**EX7. Economic Development Incentives for a Convention Center Hotel to be located in the City of El Paso. Matter No. 22-1007-2853 (551.087)**

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

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**EX8. Economic Incentives for a Mixed-Use Development located in the City of El Paso. Matter No. 22-1007-2878 (551.087)**

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

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**EX9. City of El Paso v. Joseph C. Pickett; 8th Court of Appeals, Case No. 08-21-00147-CV. Matter No. 21-1007-268.001 (551.071)**

Mayor Leeser recused himself from the discussion of the item.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and carried that the City Attorney be **AUTHORIZED** to reject Plaintiffs' settlement demand in the lawsuit styled *Pickett, Joseph C. v. City of El Paso, Texas* pending in the 384th District Court under Cause No. 2020DCV3514 in Matter No. 21-1007-2680.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Hernandez

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**EX10. Comptroller Sales & Use Tax Audit. Matter No. 21-1063-175 (551.071)**

Mayor Leeser recused himself from the discussion of the item.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and carried that the City Attorney be **AUTHORIZED** to retain outside counsel and any other necessary consultants in relation to the Texas Comptroller Sales and Use Tax Audit for the period of January 1, 2018 through July 31, 2021, to file a Petition for Redetermination under Tex. Tax Code § 111.009 for the aforementioned Texas Comptroller Sales & Use Tax Audit, to pay all outstanding contested tax balances, under protest, for Texas Comptroller Sales & Use Tax Audit for audit period of January 1, 2018 through July 31, 2021, and grant the City Attorney authority to settle and resolve all issues related thereto.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representative Hernandez

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**ADJOURN**

Motion made by Representative Annello, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 4:38 p.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Rodriguez

ABSENT: Representatives Hernandez

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APPROVED AS TO CONTENT:

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Laura D. Prine, City Clerk