

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
February 1, 2021
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
3:35 P.M.

.....
Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.

The City Council of the City of El Paso met at the above place and date. The meeting was called to order at 3:58 p.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Claudia Rodriguez requested to be excused from this meeting.

.....
AGENDA

.....
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)

City Manager Mr. Tommy Gonzalez introduced the item.

2. CFT Operations (Chief Mario D'Agostino)

Fire Chief Mario D'Agostino provided an overview of the operations and current vaccination capabilities at provider sites. He also explained the current scheduling process via Microsoft Scheduler available to people meeting the requirements set for Groups 1A or 1B adding that people who had already signed up and not called due to a system glitch would be added back to the queue.

3. City Attorney Overview (Karla Nieman)

- a) State Disaster Declarations
- b) Emergency Ordinances
- c) City Attorney's Office COVID-19 Support

Ms. Karla Nieman, City Attorney, provided the status of state declarations and briefed Council on the training her office continues to provide on the enforcement of local, state and federal COVID-19 guidelines to the Fire and Police Departments.

4. Team Lead Reports:

1. Health Focus (Hector Ocaranza, M.D.)
 - a) Community Task Force Recommendations Update
2. Vaccination Update (Angela Mora)

Dr. Hector Ocaranza, Public Health Authority, and Ms. Angela Mora, Public Health Director, provided a vaccination update and answered questions posed by Council members related to travel restrictions, vaccine efficacy and different dosages for children depending on the vaccine manufacturer.

Mr. Jacob Cintron, El Paso County Hospital District President and Chief Executive Officer, provided vaccine information by stating that the County is receiving 8,800 doses with the County Coliseum site having the capacity to administer 3,000 doses per day with an approximate wait time of 45 minutes. He added that some days the site is closed due to a vaccine shortage.

Mayor Leeser, Representatives Svarzbein, Hernandez, Molinar, and Lizarraga commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

2.

ORDINANCE 019135

**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 January 5, 2021; and

WHEREAS, on January 5, 2021, Governor Abbott similarly renewed the State's COVID- 19 Disaster Declaration; and

WHEREAS, on December 3, 2020, the CDC Director predicted and the U.S. Surgeon General agreed that the next few months, specifically December, January and February, "are going to be the most difficult time in the public history of this nation"; and

WHEREAS, the number of COVID-19 active cases in El Paso is over 35,422; and

WHEREAS, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; 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. 019125 which re-enacts Emergency Ordinance No. 019035 is set to expire on February 4, 2021; 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.

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

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

NAYS: None

ABSENT: Representative Rodriguez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

3.

ORDINANCE 019136

AN EMERGENCY ORDINANCE

**RE-ENACTING EMERGENCY ORDINANCE NO. 019036,
AS RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO. 019115,
AND FURTHER AMENDED BY EMERGENCY ORDINANCE NUMBERS 019118 AND
019126; 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 and amendment taking place on January 5, 2021; 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 restated and amended on November 9, 2020 (Emergency Ordinance No. 019115) and amended on November 23, 2020 (Emergency Ordinance No. 019118), and January 5, 2021 (Emergency Ordinance No. 019126) 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 restated and amended by Emergency Ordinance No. 019115, and further amended by Emergency Ordinance Nos. 019118, and 019126, penalty as provided in Section 8, is hereby 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.

Representative Svarzbein commented.

Ms. Karla Nieman, City Attorney, commented.

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

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

NAYS: None

ABSENT: Representative Rodriguez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

4.

ORDINANCE 019137

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, AS AMENDED BY
EMERGENCY ORDINANCE NO. 019119; 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 on a monthly basis; and

WHEREAS, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; 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**"); and

WHEREAS, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091 each month, with the most recent re-enaction taking place on January 5, 2021 (Ord. No. 019127) ("**Re-enacting Ordinance**"); 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 its August 31, 2020, Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119, which shall take effect immediately, and remain in effect until March 3, 2021, 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 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 Salcido, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

ABSENT: Representative Rodriguez

Mayor Leeser consented to the adoption of the Emergency Ordinance.

.....
5. Annual update to Mayor and Council from the Fair Housing Task Force.

Ms. Nicole Ferrini, Community and Human Development Director, introduced the item.

Ms. Kimberly Cook-McDaniel, Chair of the Fair Housing Task Force, presented a PowerPoint presentation (copy on file with the City Clerk's Office).

Representative Hernandez commented.

Mr. Mark Weber, Community Development Program Manager, commented.

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

EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 6:35 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, Hernandez, Molinar, Salcido, Rivera, and Lizarraga
ABSENT: Representative Rodriguez.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **ADJOURN** the Executive Session at 7:39 p.m. and **RECONVENE** the meeting of the City Council at which time, motions were made.

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

.....
EX1. Winn Road – ROW – Five Star Development: Matter No. 19-1004-929 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be authorized to accept the settlement offer proposed in regards to Winn Road – ROW – Five Star Development, pending in Matter No. 19-1004-929.

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

.....
EX2. Discussion of City of El Paso Furlough Policy and Employee Reassignment Options and Duties. (551.071) (551.074)

NO ACTION was taken on this item.

.....
ADJOURN

Motion made by Representative Hernandez seconded by Representative Lizarraga and unanimously carried to **ADJOURN** the meeting at 7:41 p.m.

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

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk