

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Capital Improvement Department

AGENDA DATE: March 29, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 6. Set the standard for sound governance and fiscal management

SUBJECT:

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019091, as amended by Emergency Ordinance No. 019119; Penalty as provided in Section 6.

BACKGROUND / DISCUSSION:

This item is 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. To achieve this, this item would re-enact Emergency Ordinance No. 019091 for 30 days to continue the suspension of various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and continue the pilot program.

PRIOR COUNCIL ACTION:

March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency.

March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency. Also on, March 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration monthly, with the most recent extension taking place on August 31, 2020.

August 31, 2020, El Paso City Council adopted Emergency Ordinance No. 019091, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

September 28, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 27, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091. Also, City Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000.

November 23, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091, which included the amendment to increase the fine to \$1,000 (Ordinance No. 019119).

December 14, 2020, January 5, 2021, February 1, 2021, and March 1, 2021, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Samuel Rodriguez

**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 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 March 1, 2021 (Ord. No. 019142) ("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 April 28, 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.

ORDINANCE NO. _____

20-1052-1069 | PL# 1055589_2

Re-Enactment of Emergency Ord. No.019091 (Emergency Measures)-Fifth Re-enactment
KMN | JSG

**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.

PASSED AND ADOPTED, this _____ day of _____, 2021.


THE CITY OF EL PASO, TEXAS:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
City Engineer

ORDINANCE NO. _____