

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
May 24, 2021
9:05 AM

Due to the temporary suspension of specified provisions of Texas 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 Council met on the above time and date via videoconference. Meeting was called to order at 9:19 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, and Henry Rivera. Cissy Lizarraga requested to be excused.

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AGENDA

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1. **Discussion and action that the Mayor be authorized to sign, in counterpart originals in both English and Spanish, a Sister City Agreement between the City of El Paso, State of Texas, and the City of Chihuahua, State of Chihuahua.**

Ms. Jessica Herrera, Economic and International Development Director, introduced the item and the representatives from the City of Chihuahua.

Mayor Leeser and Representative Svarzbein spoke on behalf of the City and expressed their gratitude to the City of Chihuahua for their willingness to work together toward common goals.

The following participants provided input during the discussion:

1. Mr. Mauricio Ibarra Ponce de Leon, Consul General of Mexico in El Paso
2. Mr. Eric Cohan, Consul General of the United States in Ciudad Juarez
3. Ms. Maria Angelica Granados Trepalacios, Mayor of the City of Chihuahua

Representatives Salcido and Rodriguez commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rodriguez, and Rivera.

NAYS: None
ABSENT: Representative Lizarraga

2. 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, introduced the item and highlighted that the City is exceeding the State's vaccination rate given that 70% of the City's population age 12 and older have received one dose. He attributes this success to the City's ability to quickly respond to changes in State mandates along with combined efforts with community partners such as hospitals and other businesses.

2. City Attorney Overview (Karla Nieman)

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

Ms. Josette Flores, Senior Assistant City Attorney, provided an update on State Disaster Declarations and stated that while the Governor had removed the mask mandate it will still remain in place at Court locations. She explained that pending litigation between the State of Texas and the City of Austin and Travis County was currently at the Texas Court of Appeals and stated that travel restrictions had been extended until June 21, 2021. Ms. Flores thanked staff from the City Attorney's Office for monitoring and supporting COVID-19 related items.

3. CFT Operations (Chief Mario D'Agostino)

Fire Chief Mario D'Agostino stated that the City remains dedicated to reaching herd immunity and said the next focus will be on the 12 to 16 age group with efforts such as hosting vaccination events at private schools.

4. Team Lead Reports:

- 1. Health Focus (Hector Ocaranza, M.D.)**
- 2. Vaccination Update (Angela Mora)**
- 3. Financial Focus (Robert Cortinas)**

Dr. Hector Ocaranza, Public Health Authority, provided an update on the current pandemic situation and explained that through interventions such as masks and vaccinations the City has sustained a decline in the number of positive cases over the last three months.

Ms. Angela Mora, Public Health Director, shared information related to upcoming pop-up vaccination events and said there would be continued efforts to reach out to homebound individuals.

Mr. Robert Cortinas, Chief Financial Officer, provided an overview of the funding the City received as a result of the American Rescue Plan Act (ARPA) and went over general

guidelines. The City will receive \$154 million over the next two years.

5. City Manager Wrap Up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation and informed Council that their feedback will be obtained for the allocation of the federal funds and encouraged the community to continue wearing masks as the City reaches herd immunity.

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

NO ACTION was taken on this item.

3.

ORDINANCE 019190

**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 April 26, 2021; and

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

WHEREAS, the number of COVID-19 active cases in El Paso is over 1,650; 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. 019168 which re-enacts Emergency Ordinance No. 019035 is set to expire on May 26, 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.

Representative Svarzbein commented.

Ms. Josette Flores, Senior Assistant City Attorney, commented.

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

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

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

4.

ORDINANCE 019191

**AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,
AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO.
019151;
AND FURTHER AMENDED BY EMERGENCY ORDINANCE NO. 019169; 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 re-enactment and amendment taking place on April 26, 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, on April 13, 2020, the City Council approved Emergency Ordinance 019051, which amended Emergency Ordinance No. 019036, by adding Subsection 4(a)(iii) to allow for the Director of International Bridges, for the duration of the local disaster, without recommending to City Council, to exempt certain parking meters from the parking meter fees as described in City Code 12.56.020F; and

WHEREAS, Subsection 4(a)(iii) has remained intact through all subsequent restatements, including Emergency Ordinance No. 019151, which was the most recent restatement of Emergency Ordinance No. 019036, and also through all of the amendments and re-enactments, including Emergency Ordinance 019169, which was the most recent amendment and re-enactment of Emergency Ordinance No. 019036; and

WHEREAS, City Council now desires to amend Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as recently re-enacted and amended by Emergency Ordinance No. 019169, Section 4 "Suspension and Modification of Ordinances and Rules", Subsection 4(a)(iii) to delete and mark as "Reserved" the section regarding parking meter fees, to no longer suspend the parking meter fees without a recommendation to City Council; and

WHEREAS, on November 9, 2020, the City Council approved Emergency Ordinance 019115, which re-enacted, restated, and amended Emergency Ordinance No. 019036, by adding Section 9 which noted that State and local officials strongly urged the public to wear face coverings; and

WHEREAS, on March 2, 2021, Texas Governor Abbott issued GA-36, which included a provision strongly encouraging individuals to wear face coverings; and

WHEREAS, on May 18, 2021, Texas Governor Abbott issued GA-36, which prohibits governmental entities from mandating masks, and specifically removed the reference from GA-34 that strongly encouraged individuals to wear face coverings; and

WHEREAS, City Council wishes to align its Emergency Measures Ordinance with GA-36 and remove from Emergency Ordinance No. 019115, Section 9, the reference to the State strongly encouraging individuals to wear face covering.

WHEREAS, the City Council desires to re-enact and amend 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, and as further re-enacted and amended on April 26, 2021

through Emergency Ordinance No. 019169, 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 No. 019156 and as further re-enacted and amended by Emergency Ordinance No. 019169 and penalty as provided in Section 8, is hereby re-enacted.

2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iii be amended to read as follows:

[Reserved]

3. That Section 9 (Notice of Independent Criminal Penalties), Section "A", be amended to read as follows:

Local officials strongly urge that the public wear face masks whenever possible, particularly inside of buildings and in open spaces where it is not feasible to not maintain social distancing. It is important to remember that when an individual is not wearing a face covering, and is infected with COVID-19, their coughs or sneezes propel droplets carrying the virus through the air, and those airborne droplets may infect others with the virus.

The public is hereby on notice that coughing or sneezing on another person may subject them to criminal penalties for simple assault pursuant to the Texas Penal Code.

4. Except as amended herein, Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, as re-enacted and amended by Emergency Ordinance No. 019156, and further amended by Emergency Ordinance 019169, and 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 Charter Section 3.10 or until terminated by the City Council, whichever is sooner.

5. 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. Josette Flores, Senior Assistant City Attorney, commented.

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

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

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

5.

ORDINANCE 019192

**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, with the most recent re-enactment taking place on January 5, 2021; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on January 5, 2021; 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 April 26, 2021 (Ord. No. 019170) ("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 June 23, 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 Hernandez, seconded by Representative Rivera, and unanimously carried to **ADOPT** the Emergency Ordinance.

AYES: Representatives Svarzbein, Annelo, Hernandez, Molinar, Salcido, Rodriguez, and Rivera

NAYS: None

ABSENT: Representative Lizarraga

Mayor Leeser consented to the adoption of the Emergency Ordinance.

6. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on April 28, 2021.

1. Discussion and Action on the Update to the City of El Paso Investment Policy.

- Motion made by Representative Lizarraga, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to bring the presentation to full City Council.

2. Discussion and Action on the City of El Paso Internal Audit Charter.

- Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to approve the updated Charter.

3. Discussion and Action on Audit Plan Updates.

- Motion made by Representative Salcido, seconded by Representative Hernandez and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 2nd Quarter Update.

4. Discussion on Client Surveys.

5. Presentation by the City Attorney on the Financial Oversight Advisory Committee - Legislative Oversight Authority.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of the items discussed during the April 28, 2021 meeting.

Mayor Leeser and Representatives Svarzbein and Rivera commented.

NO ACTION was taken on this item.

7. **Discussion, action and update regarding the City of El Paso's State Legislative Agenda for the 87th Texas Legislative Session and other State legislative matters.**

Ms. Lupe Cuellar and Mr. Snapper Carr, Legislative Attorneys, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions from Council.

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

Motion made by Representative Annello, seconded by Representative Hernandez to notify the El Paso Delegation that the City opposes SB14 which relates to the prohibition of local ordinances that regulate private employment practices.

AYES: Representatives Svarzbein, Annello, and Hernandez

NAYS: Representatives Molinar, Rodriguez, and Rivera

ABSTAIN: Representative Salcido

ABSENT: Representative Lizarraga

Mayor Leeser broke the tie by voting "Nay". The Motion FAILED.

EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:52 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 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

ABSENT: Representative Lizarraga

Motion made by Representative Hernandez, seconded by Representative Salcido and unanimously carried to **ADJOURN** the Executive Session at 2:11 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

ABSENT: Representative Lizarraga

EX1. Claim of Fuller, Willie (21-1026-1158) (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez and unanimously carried that the Claim made by Mr. Willie Fuller be denied.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, and Rivera.

NAYS: None

ABSENT: Representative Lizarraga

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EX2. Discussion regarding the purchase of real property related to the El Paso Police Department Central Regional Command Center Project. (21-1004-1221)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido and unanimously carried to **DELETE** the item.

AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, and Rivera.

NAYS: None

ABSENT: Representative Lizarraga

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EX3. Economic Incentives for a Telecommunications Company located in the City of El Paso. (21-1007-2683) (551.071) (551.087)

NO ACTION was taken on this item.

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EX4. Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso. (20-1007-2670)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Representative Molinar, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** the meeting at 2:12 p.m.

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

NAYS: None

ABSENT: Representative Lizarraga

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk