

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 URGENT PUBLIC NECESSITY (UPN) MEETING MINUTES
August 16, 2021
4:00 PM

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Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.
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The City Attorney's Office justified this meeting and item as a matter of urgent public necessity and Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 4:04 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alessandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.

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AGENDA
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EXECUTIVE SESSION

Motion made by Representative Molinar, seconded by Representative Rivera, and carried that the City Council retire into **EXECUTIVE SESSION** at 4:06 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 item:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to adjourn the Executive Session at 4:32 p.m. and **RECONVENE** the meeting of the City Council at which time a motion was made.

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

NAYS: None

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EX1. Legal options with regard to Texas Governor Order GA-38 or subsequent Executive Order by the Governor limiting local authority to address health emergencies. Matter No. 20-1052-1069 (551.071)
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Mayor Leaser and Representatives Svarzbein, Hernandez, Molinar, Salcido and Rodriguez commented.

Dr. Hector Ocaranza, Public Health Authority, provided a medical opinion regarding his recommendation for a mask mandate.

Ms. Karla Nieman, City Attorney, provided legal advice.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow speakers after the sign up period and to limit comment to one minute.

The following members of the public spoke either in favor or against a mask mandate:

1. Ms. Xochil Rodriguez
2. Ms. Sabiha Khan
3. Mr. Adolfo Telles
4. Mr. Raul Peinado
5. Ms. Erica Zarate
6. Mr. Bobby Wilson
7. Speaker wished to remain anonymous
8. Ms. Elena King
9. Mr. Rogelio Carrasco
10. Ms. Lisa Martinez
11. Ms. Rhonda Manning
12. Ms. Nicole Bombara
13. Ms. Amy Bach
14. Mr. Angel Ortega
15. Mr. Daniel Carroll
16. Ms. Ruby Jimenez
17. Ms. Ashley Greer
18. Mr. Omar Varela
19. Mr. Christopher Wiesner
20. Ms. Melissa Navarro
21. Ms. Yvette Pierce
22. Ms. Joanna Ochoterena
23. Mr. Scott Brown
24. Mr. Daniel Moreno
25. Mr. Aaron Torres
26. Ms. Rebecca Blair
27. Ms. Cynthia Ramirez
28. Ms. Monica Chavira
29. Ms. Jacqueline Cadence
30. Mr. Richard Martinez
31. Ms. Irene Armendariz Jackson
32. Mr. Ricardo Garcia
33. Mr. Emmanuel Villalobos
34. Ms. Elisa Morales
35. Mr. Ivan Montelongo
36. Mr. Juan Rios

37. Ms. Naomi Fertman
38. Ms. Nancy Esquivel
39. Mr. Manuel Gonzalez
40. Ms. Elisa Pacheco
41. Ms. Nicole Aguirre
42. Ms. Luz Luna
43. Mr. Kevin Cooper
44. Mr. Robert Hernandez
45. Ms. Melissa Daly
46. Mr. Aaron Canales
47. Mr. Brent Miller
48. Mr. Nick Garcia
49. Ms. Adriana Cadenas
50. Ms. Elvia Zamora
51. Mr. Caleb Blair
52. Ms. Betsy Camargo
53. Mr. Fernando Garcia
54. Ms. Rebecca Murillo
55. Mr. Rhonda Davidson
56. Ms. Neysa Hardin
57. Mr. Hector Cardona
58. Ms. Ruth Medrano
59. Mr. John Trujillo
60. Ms. Kendall Jessup
61. Ms. Valerie Bowers
62. Ms. Samantha Estrada
63. Mr. Nathaniel Hayden
64. Ms. Janet Lucero
65. Mr. Phillip Wynn
66. Ms. Rosa Morales
67. Ms. Marcela Camarena
68. Ms. Veronica Frescas
69. Ms. Dulce Carlos
70. Ms. Roxanne Ramirez

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello and carried that the City Attorney's Office be authorized to take any and all legal action against the Governor of the State of Texas regarding Executive Order GA-38, or any subsequent Executive Order, which limits the authority of local officials to effectively handle public health emergencies, to waive indemnification by the Local Health authority as it relates to actions taken related to this motion, and to provide a legal defense for the Local Health Authority in any legal action against him related to action taken by him in reliance on such legal action.

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

NAYS: Representative Molinar

NOT PRESENT FOR THE VOTE: Representatives Salcido and Rodriguez

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative Annello, seconded by Representative Lizarraga and carried that the City Attorney's Office be authorized to take any and all legal action against the Governor of the State of Texas regarding Executive Order GA-38, or any subsequent Executive Order, which limits the authority of local officials to effectively handle public health emergencies, to waive indemnification by the Local Health authority as it relates to actions taken related to this motion, and to provide a legal defense for the Local Health Authority in any legal action against him related to action taken by him in reliance on such legal action.

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

NAYS: Representative Molinar, Salcido, and Rodriguez

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ADJOURN

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** this meeting at 6:32 p.m.

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

NAYS: None
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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk