

OSCAR LEESER  
MAYOR

TOMMY GONZALEZ  
CITY MANAGER



CITY COUNCIL  
BRIAN KENNEDY, DISTRICT 1  
ALEXSANDRA ANNELLO, DISTRICT 2  
CASSANDRA HERNANDEZ, DISTRICT 3  
JOE MOLINAR, DISTRICT 4  
ISABEL SALCIDO, DISTRICT 5  
ART FIERRO, DISTRICT 6  
HENRY RIVERA, DISTRICT 7  
CHRIS CANALES, DISTRICT 8

**CITY COUNCIL WORK SESSION MINUTES  
FEBRUARY 27, 2023  
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY  
9:05 A.M.**

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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 9:36 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Brian Kennedy, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Art Fierro, Henry Rivera, and Chris Canales. Early departure: Representative Fierro at 3:00 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 with information related to the current pandemic status by explaining that the City was experiencing a downward trend in the number of new COVID-19 cases and related hospitalizations. He added that the local vaccination rate was at 92.5% and recommended the use of the Bivalent vaccine for high risk individuals.

**2. City Attorney Overview (Karla Nieman)**

- a) **State Disaster Declaration**
- 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 State would likely extend the disaster declaration thus requiring the need to renew the local emergency ordinances. In regard to the litigation related to mask mandates, Ms. Nieman said there had not been any updates however, she went on to explained that the COVID emergency declaration issued by the federal government was going to expire on May 11, 2023. Ms. Nieman ended her briefing by providing an update on the COVID-19 related cases filed in the Municipal Courts.

**3. Team Lead Report:**

- a) **Health Focus (Hector Ocaranza, M.D.)**
  - i-COVID-19**
  - ii-Influenza**

Dr Hector Ocaranza, Health Authority, reiterated that the public health emergency was set to expire on May 11, 2023 and said that new COVID-19 cases, related hospitalizations, and influenza cases had all decreased since January. Dr. Ocaranza explained that changes would be made to the manner in which cases are handled following the expiration and ended by recommending good hygiene, flu and COVID-19 vaccinations, and caution with large gatherings.

#### **4. City Manager Wrap-up (Tommy Gonzalez)**

Mr. Tommy Gonzalez, City Manager, wrapped up the presentation by stating that while the number of new cases were on the decline, the community should remain vigilant as the virus was still among us.

Mayor Oscar Leeser and Representatives Hernandez and Molinar commented.

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

2.

### **ITEMS 2 THROUGH 4 WERE TAKEN TOGETHER**

#### **ORDINANCE 019438**

#### **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 January 30, 2023; and

**WHEREAS**, despite local COVID-19 cases continuing to decline, the risk of contracting COVID-19 remains and new variants of the virus are expected to arise; and

**WHEREAS**, as of February 13, 2023, the number of new COVID-19 active cases reported in El Paso is 152 and the cumulative number is 310,349; 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. 019428 which re-enacts Emergency Ordinance No. 019035 is set to expire on March 1, 2023;

**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.
1. 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.

**3.**

**ORDINANCE 019439**

**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 January 30, 2023; 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.

**4.**

**ORDINANCE 019440**

**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 January 30, 2023; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on January 30, 2023; 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 January 30, 2023 (Ord. No. 019430) ("**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 March 30, 2023 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 Ordinances.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales

NAYS: None

**Mayor Leeser consented to the adoption of the Emergency Ordinances.**

5. **Management Update: Winterfest 2022 Economic Impact.**

Mr. Ben Fyffe, Managing Director of Cultural Affairs and Recreation, introduced the item.

Ms. Diana Cepeda, Senior Strategic Initiatives Coordinator, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser, Representatives Kennedy Annello, Hernandez, Molinar, Salcido, Rivera, and Canales commented.

The following City staff members commented:

- Mr. Tommy Gonzalez, City Manager
- Ms. Laura Cruz-Acosta, Strategic Communications Director

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

6. **Presentation, discussion and action on the 88<sup>th</sup> regular session of the Texas state legislature and Federal legislative program.**

Ms. Lindsey Adams, Legislative Liaison, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Annello, Molinar and Canales commented.

Ms. Karla Nieman, City Attorney, commented.

Mr. Snapper Carr, Partner and General Counsel at Focused Advocacy, commented.

**1<sup>ST</sup> MOTION**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Canales and carried to **SUPPORT** Immigration Bills HB1454/ SB106 (would repeal certain provisions governing state and local enforcement of immigration laws and other related provisions) and **OPPOSE** HB1675 (relating to a border operations training program for peace officers employed by local law enforcement to investigate/prosecute criminal activity in Texas Mexico border region).

AYES: Representatives Kennedy, Annello, Salcido, and Canales

NAYS: Representative Molinar and Rivera

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro



**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Canales, seconded by Representative Salcido to **SUPPORT** Bill SB637 (relating to the use of mandatory preferential voting).

AYES: Representatives Salcido and Canales

NAYS: Representatives Kennedy, Anello, Molinar and Rivera

NOT PRESENT FOR THE VOTE: Representatives Hernandez and Fierro

**THE MOTION FAILED**

**7. Presentation and discussion of upcoming land use proposals.**

Mr. Tommy Gonzalez, City Manager, introduced the item.

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

- Mr. Raul Garcia, Planning and Inspections Program Manager
- Mr. Kevin Smith, Planning and Inspections Assistant Director

Representatives Anello, Molinar, and Canales commented.

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

**8. Presentation and discussion on the City of El Paso Vision Zero Safety Action Plan.**

Mr. Joaquin Rodriguez, Transportation Planning Administrator, presented a PowerPoint presentation (copy on file at the City Clerk's Office).

Mr. Brandon Gonzalez, Alta Planning and Design Southwest Regional Manager, continued the presentation.

Representatives Anello, Salcido, and Canales commented.

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

**9. Presentation and discussion on the Streets and Maintenance Department Resurfacing Program.**

Mr. Sam Rodriguez, Chief Operations Officer, presented a PowerPoint presentation (copy on file at the City Clerk's Office).

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

**EXECUTIVE SESSION**

Motion made by Representative Canales, seconded by Representative Molinar, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:34 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 551.072 DELIBERATION REGARDING REAL PROPERTY

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Fierro, Rivera, and Canales  
 NAYS: None

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 3:55 p.m. and **RECONVENE** the meeting of the City Council at which time motions were made:

AYES: Representatives Kennedy, Annello, Hernandez, Molinar and Rivera

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Salcido, Fierro, and Canales

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**EX1. Kenny, Antoinette, Individually, and as Representative of the Estate of KenMaj Dion Graham vs. City of El Paso. Matter No. 21-1036-3445.001 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to participate in the mediation of *Antoinette Kenny, individually and as Representative of the Estate of KenMaj Dion Graham v. City of El Paso*, Cause No. 2021DCV3399, in Matter No. 21-1036-3445.001, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority, should a settlement be reached in the case.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

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

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

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**EX3. EP Brewing Company, LLC; Docket Number 22-30839-HCM-7. Matter No. 15-1039-515.001|HQ#399 (551.071)**

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

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**EX4. Application of El Paso Electric Company for Approval of its Texas Electric Vehicle-Ready Pilot Programs and Tariffs, Public Utility Commission of Texas Docket No. 54614. Matter No. 23-1008-212 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Rivera, and unanimously carried that the City Attorney in consultation with the City Manager be **AUTHORIZED** to hire and retain outside counsel and any other necessary consultants, and to file an intervention in the *Statement of Intent and Application of El Paso Electric Company for Approval of Texas Electric Vehicle-Ready Pilot Programs and Tariffs*, filed on January 31, 2023, under the Texas Public Utility Commission, Docket No. 54614, in Matter Number 23-1008-212, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.



AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

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**EX5. Proposed Facility Lease in Central El Paso and Anticipated El Paso Electric regulatory compliance filing. Matter No. 21-1003-1222 (551.071) (551.072)**

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

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**EX6. Purchase, exchange, lease or value of real property located in West El Paso, Texas. Matter No. 22-1004-1433|HQ#398 (551.072)**

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

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**EX7. Purchase, exchange, lease or value of real property located in Downtown El Paso 16-1040-1083.046 (551.071) (551.072)**

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

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**EX8. Purchase, exchange, lease or value of real property located in East El Paso, Texas. Matter No. HQ#394 (551.072)**

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

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**EX9. Joseph C. Pickett v. City of El Paso, Texas; 384th District Court; Cause # 2020DCV3514. Matter No. 21-1007-2680 (551.071)**

Motion made by Mayor Pro Tempore Annello, seconded by Representative Canales and unanimously carried that the City Attorney's Office, in consultation with the City Manager, be **AUTHORIZED** to hire and retain outside counsel in the matter of *Pickett, Joseph C. v. City of El Paso, Texas* Cause No.2020DCV3514, in Matter No. 21-1007-2680, and to take all steps necessary, including the execution of any required documents, in order to effectuate this authority.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Rivera, and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

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**ADJOURN**

Motion made Representative Rivera, seconded by Representative Canales and unanimously carried to **ADJOURN** the meeting at 3:59 p.m.

AYES: Representatives Kennedy, Annello, Hernandez, Molinar, Salcido, Rivera and Canales

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Fierro

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**APPROVED AS TO CONTENT:**

  
Laura D. Prine, City Clerk