

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**

**March 1, 2021**

**3:35 PM**

**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 Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 4:11 p.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, Henry Rivera and Cissy Lizarraga.  
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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)**

City Manager Mr. Tommy Gonzalez introduced the item provided an update on the vaccination distribution process, the number of vaccination locations, the current number of registrations, the distribution capacity, a request of the newly approved Johnson and Johnson vaccine, and leveraging resources with partners such as the collaboration with the County to implement a centralized registration site.

**2. Cross Functional Team Operations (Chief Mario D'Agostino)**

Fire Chief Mario D'Agostino provided an overview of the operations and the status of the vaccination rollout and current wait time for citizens at distribution sites.

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

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

Ms. Karla Nieman, City Attorney, provided the status of state declarations, travel restrictions, legal support with vaccinations and HR policies, and the status of Municipal Court COVID-19 citations.

**4. Team Lead Reports:**

1. Health Focus (Hector Ocaranza, M.D.)
2. Vaccination Update (Angela Mora)
3. Economic Recovery (Jessica Herrera)

Dr. Hector Ocaranza, Public Health Authority, provided a COVID-19 status related to the number of positive cases, the decline in the positivity rate, low demand for testing, and the decline on the number of hospitalizations.

Ms. Angela Mora, Public Health Director, provided a vaccination update related to the newly approved Johnson and Johnson vaccine, the community outreach provided by the Education Taskforce and the number of vaccines distributed in long-term care facilities.

Ms. Jessica Herrera, Economic and International Development Director, and Mr. Israel Irrobali, Legislative Liaison, presented information on CARES funding grant disbursements across the business community and survey results capturing information such as business concerns and the future viability of businesses affected by the pandemic.

Ms. Cindy Ramos Davidson, El Paso Hispanic Chamber of Commerce CEO, commented.

Mayor Leeser and Representative Svarzbein commented and posed questions to presenters and other staff.

Ms. Tracey Jerome, Deputy City Manager of Quality of Life, responded to questions from Council.

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

2.

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**ORDINANCE 019140**

**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 February 1, 2021; and

**WHEREAS**, on February 4, 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 7,519; 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. 019135 which re-enacts Emergency Ordinance No. 019035 is set to expire on March 3, 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.

Representatives Svarzbein and Lizarraga questioned the following staff members:

1. Fire Chief Mario D'Agostino
2. Dr. Hector Ocaranza, Public Health Authority

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

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

**NAYS:** None

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

3.

ORDINANCE 019141

**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 AND RE-ENACTED BY EMERGENCY ORDINANCE 019136; 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 taking place on February 1, 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), amended on November 23, 2020 (Emergency Ordinance No. 019118), and January 5, 2021 (Emergency Ordinance No. 019126) and re-enacted on February 1, 2021 (Emergency Ordinance No. 019136) 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, further amended by Emergency Ordinance Nos. 019118, and 019126 and re-enacted by Emergency Ordinance 019136, 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.

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

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

**NAYS:** None

**Mayor Leaser consented to the adoption of the Emergency Ordinance.**

4.

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**ORDINANCE 019142**

**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 February 1, 2021 (Ord. No. 019137) ("**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 31, 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 Molinar, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

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

5. ....  
**Discussion and action with the Veterans Affairs Advisory Committee to update council on the status of Homelessness, Employment, and Marketing / Outreach for the El Paso Veteran and Military community.**

Mr. Paul Albright, Chief Military Officer, introduced the item.

The following members of the Veterans Affairs Advisory Committee presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions posed by Council:

1. Mr. Dean Sanders, Chair
2. Mr. Bruce Biegel, Vice Chair
3. Ms. Hope Jackson
4. Mr. Lance Lehr

Representatives Svarzbein, Annello, and Molinar commented and posed questions.

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

6. ....  
**Animal Services Update.**

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



Mr. Ramon Herrera, Interim Animal Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions posed by Council:

Mayor Leaser and Representatives Svarzbein and Annello commented.

The following members of the public commented:

1. Mr. Ron Comeau
2. Ms. Marcia Margherio
3. Mr. Ken Margherio
4. Ms. Bernadette Arenivas

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

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**EXECUTIVE SESSION**

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:00 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, Rivera, and Lizarraga

**NAYS:** None

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Executive Session at 10:14 p.m. and **RECONVENE** the meeting of the City Council.

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

**NAYS:** None

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**EX1.** Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso.  
(20-1007-2670) (551.071) (551.087)

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

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**EX2.** Max Grossman v. City of El Paso, Texas; 8<sup>th</sup> Court of Appeals; Cause No. 08-19-00272-CV; Matter No. 17-1001-171.001 (551.071)

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

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**EX3.** Joseph C. Pickett v. City of El Paso, Texas; 384<sup>th</sup> District Court; Cause No.: 2020DCV3514; Matter No.: 21-1007-2680 (551.071)

NO ACTION was taken on this item.

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**ADJOURN**

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 10:15 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:

  
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Laura D. Prine, City Clerk