

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 29, 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 3:50 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 and provided a status on the local allocation and distribution of vaccines. He explained the City's allocation is low however, an increase is expected in the coming weeks and highlighted that the City has succeeded in the rapid distribution of vaccines among the community.

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

a) Quality of Life (QoL) Reopenings Update (Tracey Jerome)

Fire Chief Mario D'Agostino provided a briefing about the steady decline in the number of positivity cases and hospitalizations and stated the City is leading the State in efficiency ratings related to the distribution of vaccines across the community.

Ms. Tracey Jerome, Deputy City Manager, presented information related to upcoming openings of Quality of Life facilities and noted that virtual programming will continue.

3. City Attorney Overview (Karla Nieman)

- a) State Disaster Declarations
- b) Governor's Abbott's Executive Order GA-34
- c) City Attorney's Office COVID-19 Support
- d) Legal Monitoring

- e) Courts Update
- f) City Attorney's Office Significant Legal Support During COVID-19

Ms. Karla Nieman, City Attorney, provided information related to the status of state declarations and executive orders, the need to re-enact three emergency ordinances, ongoing legal support in connection with legislation and grants, an update on Municipal Court cases, and travel restrictions.

4. Team Lead Reports:

- 1. Health Focus (Hector Ocaranza, M.D.)
- 2. Vaccination Update (Angela Mora)
- 3. Community Vulnerabilities and Human Services (Nicole Ferrini)
 - a) Rental Assistance: Tracy Yellen, Paso Del Norte Community Foundation
 - b) Utility Assistance: Andrea Ramirez, Amistad
 - c) Community Resilience Center: Deborah Zuloaga, United Way of El Paso

Dr. Hector Ocaranza, Public Health Authority, provided a COVID-19 status related to local changes due to Governor Abbott's Executive Order 34 and discussed the review of orders related to migrant shelters, schools, and long-term facilities. He illustrated a downward trend related to the positivity rate and hospitalizations.

Ms. Angela Mora, Public Health Director, provided a vaccination update related to the testing of the AstraZeneca vaccine and community outreach provided by the Education Taskforce at senior centers and businesses such as grocery stores.

Ms. Nicole Ferrini, Community and Human Development Director, introduced representatives from the Paso Del Norte Community, Amistad, and United Way of El Paso who provided information related to rental and utility assistance.

5. City Manager Wrap Up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation and reminded everyone to keep practicing health and safety protocols.

Mayor Leeser and Representatives Svarzbein, Hernandez, Molinar, and Rivera commented and posed questions to presenters and other City staff members.

The following City staff members participated in the presentation and provided answers to questions posed by Council members:

- 1. Mr. Tommy Gonzalez, City Manager
- 2. Fire Chief Mario D'Agostino
- 3. Ms. Tracey Jerome, Deputy City Manager of Quality of Life
- 4. Mr. Ben Fyffe, Parks and Recreation Director
- 5. Mr. Gerald DeMuro, Capital Improvement Assistant Director
- 6. Ms. Norma Martinez, Director of Libraries
- 7. Mr. Bryan Crowe, Destination El Paso General Manager
- 8. Ms. Karla Nieman, City Attorney
- 9. Dr. Hector Ocaranza, City of El Paso Public Health Authority

10. Ms. Angela Mora, Public Health Director
11. Mr. David Coronado, Director of International Bridges
12. Ms. Nicole Ferrini, Community and Human Development Director.

NO ACTION was taken on this item.

2.

ORDINANCE 019155

**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 March 1, 2021; and

WHEREAS, on March 6, 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 2,563; 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. 019140 which re-enacts Emergency Ordinance No. 019035 is set to expire on March 31, 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. Karla Nieman, City Attorney, commented.

Motion made by Representative Hernandez, seconded by Representative Rivera, 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.

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3.

ORDINANCE 019156

**AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036,
AS RE-ENACTED, RESTATED AND AMENDED BY EMERGENCY ORDINANCE NO.
019151; 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

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 amend Emergency Ordinance No. 019036 to allow call to the public to take place at 5:30 p.m. while the Rules of Order for the El Paso City Council are suspended; and

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 (Emergency Ordinance No. 019151) 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, penalty as provided in Section 8, is hereby re-enacted.
2. That Section 4 (Suspension and Modification of Ordinances and Rules), subsection a, paragraph iv be amended to read as follows:
 - iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:
 - a) All references to 9:00 a.m. are changed to 3:30 p.m.
 - b) All references to 12:00 noon are changed to 5:30 p.m.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect.

3. Except as amended herein, Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, 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.
4. 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 Salcido, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leaser consented to the adoption of the Emergency Ordinance.

4.

ORDINANCE 019157

**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.

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 Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leaser consented to the adoption of the Emergency Ordinance.

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5. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on March 9, 2021.

1. Selection of the FOAC Chairperson.
Representative Henry Rivera was elected unanimously by the Committee.
2. Discussion and action on 2020 External Financial and Grants Audits.
 - Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to approve the audit results for presentation to full City Council.
3. Discussion and action on Audit Plan Updates.
 - Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez and Representative Lizarraga to accept the 1st Quarter Update.
4. Discussion on Client Surveys.

Mr. Edmundo Calderon, Chief Internal Auditor, provided an overview of the items discussed during the March 9, 2021 meeting.

Mayor Leaser and Representative Rivera commented.

NO ACTION was taken on this item.

6. **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.**

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

The following members of City staff provided information related to the proposed legislation:

1. Ms. Elizabeth Triggs, Strategic Partnerships Officer
2. Mr. Robert Cortinas, Chief Financial Office
3. Ms. Karla Nieman, City Attorney
4. Assistant Police Chief, Peter Pacillas
5. Mr. Tommy Gonzalez, City Manager

Representatives Svarzbein, Anello, Hernandez, Molinar, Salcido, Rivera, and Lizarraga commented.

1ST MOTION

Motion made by Representative Anello, seconded by Representative Svarzbein to **SUPPORT** the George Floyd bill, express concern on qualified immunity and oppose any bills related to qualified immunity.

AYES: Representatives Svarzbein and Anello

NAYS: Representatives Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

THE MOTION FAILED

2ND MOTION

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Rivera and carried to remain **NEUTRAL** on the George Floyd bill, express concern on qualified immunity and oppose any bills related to qualified immunity.

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

NAYS: Representative Anello

3RD MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and carried to **SUPPORT** HB3914 and SB2126 (Relating to the inclusion of adults with mental illness in reduced-fare programs of public transportation providers.)

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

NAYS: Representative Rodriguez

4TH AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Rivera and unanimously carried to **SUPPORT** presumption bills related to workers compensation in relation to COVID-19 for public safety employees.

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

and Lizarraga
NAYS: None

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7. **Discussion and action regarding the 87th Legislature Regular Session – Texas HB2592: Allows a municipality in El Paso County to contract with the County for law enforcement services and abolish its police department.**

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

Ms. Lupe Cuellar, and Mr. Snapper Carr, Legislative Attorneys, commented.

Mr. Tommy Gonzalez, City Manager, commented.

Motion made by Representative Hernandez, seconded by Representative Annello and carried to **DELETE** the item.

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

NAYS: Representatives Salcido, Rodriguez, and Rivera

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8.

RESOLUTION

WHEREAS, the 117th Session of the United States Congress convened on January 3, 2021 and will consider many issues that affect local governments; and

WHEREAS, the City of El Paso wishes to submit projects and programmatic/policy requests to its federal delegation for consideration through the federal appropriations and surface transportation advancement legislation processes; and

WHEREAS, the City has identified eleven priority areas for project and programmatic/policy requests that further the City's mission and vision, strategic goals, and 25 by 2025 visionary initiatives; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That the City Manager is directed to identify eligible federal appropriations and surface transportation project and programmatic/policy requests that fall within one of the eleven identified priority areas, further the City's mission and vision, align with the City's strategic goals, and where possible, advance the City's 25 by 2025 visionary initiatives, as further outlined in the attached **Exhibit "A"** ("Federal Funding and Programmatic/Policy Priorities"); and

SECTION 2. That the City Manager is directed to communicate and authorized to submit the projects and programmatic/policy requests and the impact of those projects and programmatic/policy requests on El Paso residents to the City's federal delegation for consideration through the federal appropriations and surface transportation advancement legislation processes; and

SECTION 3. That this resolution shall take effect immediately from and after its

passage, and it is accordingly so resolved.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, introduced the item and presented a PowerPoint presentation (copy on file in the City Clerk's Office).

The following representatives from Merchant McIntyre & Associates presented a PowerPoint presentation (copy on file in the City Clerk's Office)

1. Mr. Brent Merchant, Principal and Co-Founder
2. Ms. Julia Angelotti, Vice President and Director of Legislative Strategy

Representative Hernandez commented.

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

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9. **Presentation and update on the City of El Paso's efforts related to power generation resources and the promotion of increased energy efficiency and renewable energy generation and industry development within the region.**

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

1. Ms. Elizabeth Triggs, Strategic Partnerships Officer
2. Ms. Nicole Ferrini, Community and Human Development Director

Mr. Tommy Gonzalez, City Manager, commented.

Mayor Leeser and Representative Svarzbein commented.

NO ACTION was taken on this item.

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10. **Safe and Secure Cities Cross Functional Team: 128th Academy Pre-Service Training Update.**

Assistant Police Chief Peter Pacillas presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representative Molinar commented.

NO ACTION was taken on this item.

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11. **Presentation and discussion by Emergence Health Network on their annual report on status of activities, response to the COVID-19 pandemic, collaboration and expansion of partnerships with local entities.**

The following representatives from Emergence Health Network, presented a PowerPoint Presentation (copy on file in the City Clerk's Office).

1. Mr. Rene Hurtado, Chief of Staff
2. Ms. Kristi Daugherty, Chief Executive Officer

Mayor Leeson and Representatives Svarzbein and Annello commented.

NO ACTION was taken on this item.

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EXECUTIVE SESSION

Motion made by Representative Molinar, seconded by Representative Hernandez, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:40 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 551.072 DELIBERATION REGARDING REAL PROPERTY

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

NAYS: None

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to **ADJOURN** the Executive Session at 10:38 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. Future regulatory options for Newman 6 (551.071)

NO ACTION was taken on this item.

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EX2. Application of El Paso Electric Company to Amend its Distribution Cost Recovery Factor; Under the City's Original Jurisdiction and Public Utility Commission of Texas Docket No. 51348 Matter: 20-1008-155 (551.071)

NO ACTION was taken on this item.

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EX3. Application of El Paso Electric Company to Reconcile Fuel Costs, PUC Docket No. 50058 Matter: 19-1008-133 (551.071)

NO ACTION was taken on this item.

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EX4. Application of El Paso Electric Company to Request Waiver of Certain Rate Filing Package in its 2021 Rate Change Application, PUC Docket No. 51780 (551.071)

NO ACTION was taken on this item.

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EX5. Anticipated filings of El Paso Electric Company to implement Advanced Meter Infrastructure (551.071)

NO ACTION was taken on this item.

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EX6. Status of facilities use agreement with the County of El Paso. (551.071, 551.072)

NO ACTION was taken on this item.

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ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Molinar and unanimously carried to **ADJOURN** the meeting at 10:38 p.m.

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

NAYS: None

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APPROVED AS TO CONTENT:



Laura D. Prine, City Clerk