

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

April 26, 2021

3:35 PM

Due to the temporary suspension of specified provisions 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 of El Paso met on the above time and date via videoconference. Meeting was called to order at 3:51 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, 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)**
 - a) Financial Focus (Robert Cortinas)**
 - b) Quality of Life Reopenings Update (Tracey Jerome)**

Mr. Tommy Gonzalez, City Manager, introduced the item and highlighted current COVID-19 indicators reflecting a drop in new cases however, he stated that the hospitalization rate in El Paso was the highest in the State at 8%. The focus is on reaching herd immunity among the community and the City is leading the State in vaccine distribution in urban counties with offering vaccination services at various locations and events.

Mr. Robert Cortinas, Chief Financial Officer, provided information related to the City's COVID-19 costs and a breakdown of costs by category from January 2021 to present. The majority of the expenses are from lab testing, epidemiology, and immunizations.

Ms. Tracey Jerome, Deputy City Manager of Quality of Life, provided an update on Quality of Life services and statistics related to the number of visitors at City facilities such as libraries, parks, recreation centers, and the zoo. She also highlighted upcoming events at Destination El Paso sites.

- 2. City Attorney Overview (Karla Nieman)**
 - a) National Emergency Declaration**
 - b) State Disaster Declarations**

- c) Emergency Ordinances
- d) City Attorney's Office COVID-19 Support
- e) Legal Monitoring
- f) Legal Support During COVID-19

Ms. Karla Nieman, City Attorney, provided an overview of the National Emergency Declaration issued by the White House on March 13, 2020 and highlighted information related to the status of State declarations, re-enactment of three emergency ordinances, and travel restrictions extended through May 21, 2021.

3. CFT Operations (Chief Mario D'Agostino)

Fire Chief Mario D'Agostino provided a briefing related to the pop up vaccination sites that are opening up around the City and encouraged the public to continue to get COVID-19 tests, vaccinations and maintain social distancing.

4. Team Lead Reports:

- 1. Health Focus (Hector Ocaranza, M.D.)
- 2. Vaccination Update (Angela Mora)

Dr. Hector Ocaranza, Public Health Authority, provided a COVID-19 summary illustrating the City is currently reaching a plateau among pandemic indicators such as the positivity rate and the seven-day average for new cases and hospitalizations.

Ms. Angela Mora, Public Health Director, provided an update on the Education Task Force and their efforts to reach the community in underserved areas. She explained the Task Force is monitoring vaccine providers and providing support to ensure there is equitable vaccine distribution.

5. City Manager Wrap Up (Tommy Gonzalez)

Mr. Tommy Gonzalez, City Manager, closed the presentation and asked Members of the City Council to continue assisting with the distribution of public service announcements related to vaccine distribution.

Mayor Leeser and Representatives Svarzbein, Molinar, Rodriguez, and Lizarraga 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. Mr. Robert Cortinas, Chief Financial Officer
- 3. Ms. Tracey Jerome, Deputy City Manager, Quality of Life
- 4. Ms. Karla Nieman, City Attorney
- 5. Fire Chief Mario D'Agostino
- 6. Dr. Hector Ocaranza, City of El Paso Public Health Authority
- 7. Ms. Angela Mora, Public Health Director

NO ACTION was taken on this item.

2.

ORDINANCE 019168

**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 29, 2021; and

WHEREAS, on April 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 2,282; 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. 019155 which re-enacts Emergency Ordinance No. 019035 is set to expire on April 28, 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.

Motion made by Alternate Mayor Pro Tempore Lizarraga, 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.

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3.

ORDINANCE 019169

**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. 019156;
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 29, 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 amend Section 4 Suspension and Modification of Ordinances and Rules; and

WHEREAS, the City Council desires to amend Emergency Ordinance No. 019036 to amend Section 4 "Suspension and Modification of Ordinances and Rules", Subsection 4(a)(iv) to delete and mark as "Reserved" the section regarding City Council meeting times, to no

longer suspend the provisions of the Resolution Amending the Rules of Order for the El Paso City Council (the "Rules of Order") Revised, as effective March 3, 2020, as amended and reiterated on February 2, 2021, as may be amended, regarding meeting start times, so that City Council meetings shall begin no earlier than 9:00am beginning on May 10, 2021; and

WHEREAS, the City Council desires to re-enact and amend Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 29, 2021 (Emergency Ordinance No. 019156) 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. 019156, 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. [Reserved].
3. Except as amended herein, Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019156, 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 Molinar, 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.

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4. **ORDINANCE 019170**

**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 March 29, 2021 (Ord. No. 019157) ("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 May 26, 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 Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Annello, 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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5. **Discussion and presentation by the El Paso Central Appraisal District about the process by which property values are assessed as mandated by state law and about the reasons for the reported approximate average residential property value increase of 13% from 2020 to 2021; and discussion about the fiscal options that the Council has available in order to potentially offset the impact of higher property values during the period of economic hardship and recovery created by the COVID-19 pandemic, including but not limited to potential consideration of the *no new revenue tax rate* or potential use of the City's Budget Stabilization Fund.**

Ms. Dinah Kilgore, Executive Director and Chief Appraiser, Central Appraisal District (CAD), presented a PowerPoint presentation (copy on file in the City Clerk's Office) and responded to questions from the Members of the City Council.

Mr. David Stone, Assistant Chief Appraiser, CAD, commented.

Mayor Leeser and Representatives Svarzbein, Hernandez, Salcido, Rivera, and Lizarraga commented.

Mr. Antonio Aragon, citizen, commented.

NO ACTION was taken on this item.

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6. **Presentation and discussion providing a report from the following Goal Teams:**

- 1. Vision Block: Vibrant Regional Economy**
 - a. Goal 1 (Economic Development)**
 - b. Goal 3 (Visual Image)**

Mr. David Coronado, International Bridges Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mr. Sam Rodriguez, Aviation Director responded to questions from Members of the City Council.

Mayor Leeser and Representative Svarzbein commented.

NO ACTION was taken on this item.

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7. **Budget Update.**

Mr. Robert Cortinas, Chief Financial Officer, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leaser and Representatives Svarzbein, Rivera, and Lizarraga commented.

The following City staff members provided answers to questions posed by Council members:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Robert Cortinas, Chief Financial Officer

NO ACTION was taken on this item.

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:02 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

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Executive Session at 9:06 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, Rivera, and Lizarraga

NAYS: None

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EX1. Moon, Brandon Lee v. J. Dove; Matter: 21-1026-11588; (551.071)

Representative Lizarraga made a statement recusing herself from the item.

NO ACTION was taken on this item.

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EX2. Application of El Paso Electric Company for Approval of Advanced Metering System (AMS) Public Utility Commission of Texas Docket No. 52040, Matter No. 21-1192-001 (551.071)

Representative Svarzbein commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and unanimously carried that the City Attorney is authorized to retain Norman Gordon as outside counsel and any other necessary consultants, in consultation with the City Manager, to file an intervention in the Application for Approval of Advanced Metering System filed by El Paso Electric, on April 19, 2021, under Public Utilities Commission Docket No. 52040.

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

NAYS: None

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EX3. Quarterly Litigation Report.

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 9:08 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