

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

## **NOTICE OF WORK SESSION OF THE EL PASO CITY COUNCIL**

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**December 05, 2022**

**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY  
9:05 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF  
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

**Teleconference phone number 1-915-213-4096**

**Toll free number: 1-833-664-9267**

**Conference ID: 821-200-95#**

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on December 5, 2022 at 9:05 A.M. Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with Council during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll free number: 1-833-664-9267

**At the prompt please enter Conference ID: 821-200-95#**

The public is strongly encouraged to sign up to speak on items on this agenda before the start of this meeting on the following link:

<https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormItem>

**The following members of City Council will be present via video conference:**

**Representatives Peter Svarzbein and Alexsandra Annello**

**A quorum of City Council must participate in the meeting.**

**AGENDA**

1. Presentation and discussion by the COVID-19 Response and Recovery Cross-Functional Team providing information on key activities, efforts, and processes [22-1546](#)

- 1. Overview (Tommy Gonzalez)
- 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
- 3. Team Lead Report:
  - a) Health Focus (Hector Ocaranza, M.D.)
    - i- COVID-19 update
    - ii-Influenza Update
    - iii-RSV Update
- 4. City Manager Wrap-up (Tommy Gonzalez)

**All Districts**

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

2. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [22-1550](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

3. Discussion and action on 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. [22-1552](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

4. Discussion and action on 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. [22-1562](#)

**All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

5. Presentation, discussion and action by the City Manager's Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis. [22-1548](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605  
Fire, Interim Chief Jonathan P. Killings, (915) 493-5609

6. Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso. [22-1553](#)

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

7. Presentation and discussion by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes. [22-1538](#)

1. Overview (Robert Cortinas)
2. Key Considerations (Karla Nieman)
3. Team Lead Report:
  - a) Operations Overview (Laura Prine)
  - b) Research and comparative analysis (Kristen Hamilton-Karam, Ed McDonald)
4. Next Steps (Laura Prine)

**All Districts**

City Manager's Office, Robert Cortinas, (915) 212-1067

**EXECUTIVE SESSION**

**The following members of City Council will be present via video conference:**

**Representatives Peter Svarzbein and Alessandra Annello**

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071     CONSULTATION WITH ATTORNEY  
Section 551.072     DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS  
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS  
Section 551.089 DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS; CLOSED  
MEETING

## **ADJOURN**

### **NOTICE TO THE PUBLIC:**

If you need Spanish Translation Services, you must email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) at least 72 hours in advance of the meeting.

**ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET THURSDAY PRIOR TO THE MEETING AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov/>





Legislation Text

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File #: 22-1546, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.  
No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Chief Mario M. D'Agostino, (915) 212-5605

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

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)
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
3. Team Lead Report:
  - a) Health Focus (Hector Ocaranza, M.D.)
    - i- COVID-19 update
    - ii-Influenza Update
    - iii-RSV Update
4. City Manager Wrap-up (Tommy Gonzalez)

CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Manager's Office

AGENDA DATE: December 5, 2022

CONTACT PERSON NAME AND PHONE NUMBER: Deputy City Manager/Chief Mario M. D'Agostino (915) 212-5605

DISTRICT(S) AFFECTED: All Districts

**SUBJECT:**

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)
2. City Attorney Overview (Karla Nieman)
  - a) State Disaster Declaration
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4. City Manager Wrap-up (Tommy Gonzalez)

BACKGROUND / DISCUSSION:

The COVID-19 Response+ Recovery Cross-Functional Team is comprised of multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

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BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

DEPARTMENT HEAD:

*Mario M. D'Agostino*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

# **COVID-19 Response + Recovery**

***Cross-Functional Team Update***

**12.5.22**

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- 1. Overview (Tommy Gonzalez)**
  - 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**
  - 3. Team Lead Report:**
    - a) Health Focus (Hector Ocaranza, M.D.)**
      - i- COVID-19 update**
      - ii- Influenza Update**
      - iii-RSV Update**
  - 4. City Manager Wrap-up (Tommy Gonzalez)**
-

# 1. Overview

Tommy Gonzalez

# 2. City Attorney Overview

December 5, 2022

## Overview

### City Attorney Overview

1. State Disaster Declaration
2. Emergency Ordinances
3. Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation
4. Additional Updates



# State Disaster Declaration



\* Anticipated date

\*\*Anticipate Governor Abbott will renew his Disaster Declaration January 17-18, 2023.


# Emergency Ordinances

Ordinance	Adoption Date	Most Recent Re-enactment	Expires
<b>Disaster Declaration</b> Ord. No. 019035	3/17/2020	11/7/2022	12/07/2022
<b>Emergency Measures</b> Ord. No. 019036	3/17/2020	11/7/2022	12/07/2022
<b>Public Right of Way</b> Ord. No. 019241	10/11/2021	11/7/2022	12/07/2022



# Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso & Statewide Mask Mandate Litigation

## Texas Courts of Appeal

Three concentric semi-circles on the left side of the table. The outermost semi-circle is orange, the middle one is blue, and the innermost one is orange.

4 <sup>th</sup> Tex. App.	<ul style="list-style-type: none"><li>• Abbott v. City of San Antonio</li></ul>
5 <sup>th</sup> Tex. App.	<ul style="list-style-type: none"><li>• Abbott v. Clay Jenkins</li></ul>
8 <sup>th</sup> Tex. App.	<ul style="list-style-type: none"><li>• Abbott v. City of El Paso</li></ul>

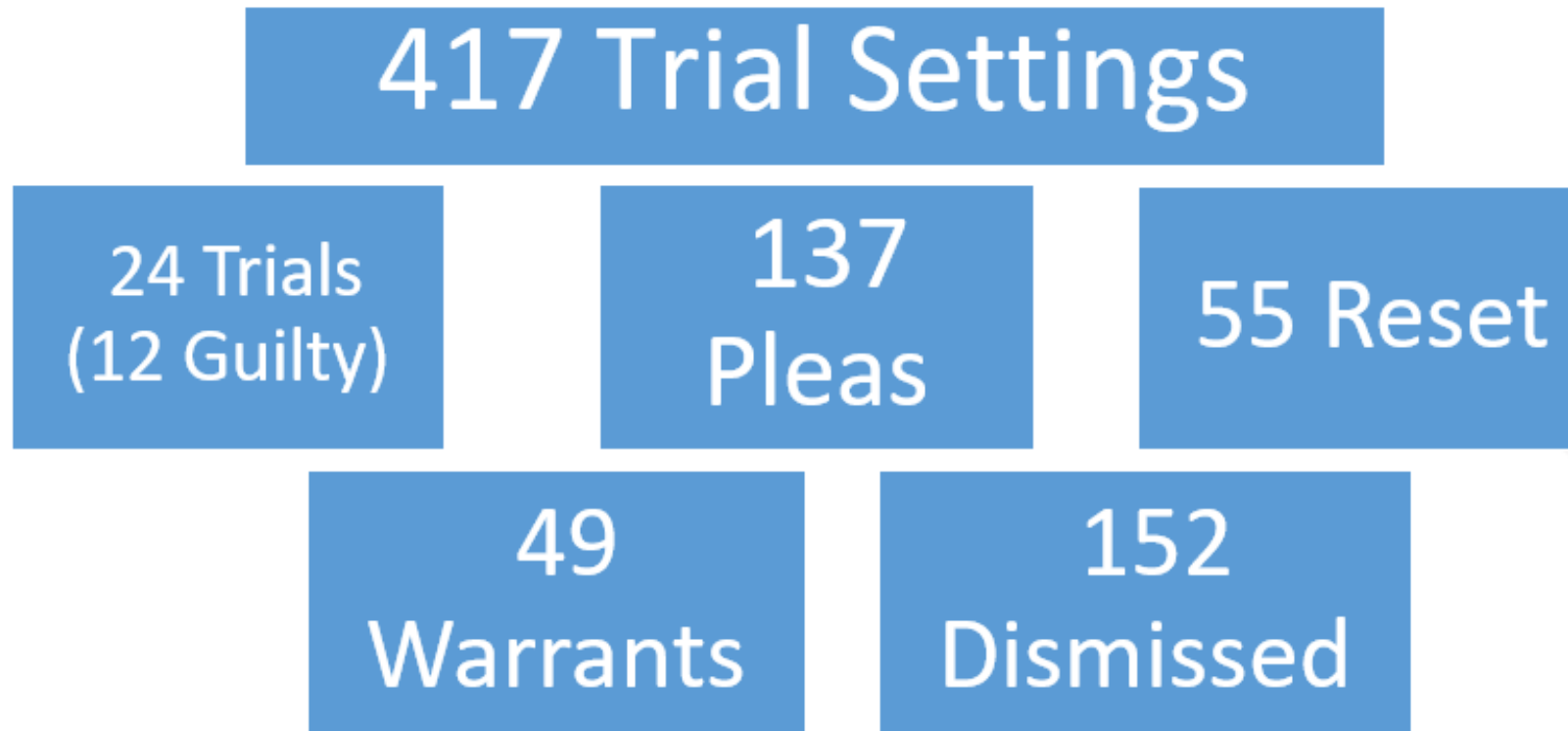
# Additional Updates- Federal Emergency Declaration

- President Biden has released a statement indicating that he will veto any congressional action to end the public health emergency after Senate voted to terminate
- The public health emergency was extended another 90 days on October 13, 2022
- HHS has not given 60 days notice of ending the public health emergency, and will likely be extended in January



# Additional Updates- COVID-19 Prosecution Update

**Trial Settings on COVID-19 Citations through 11/30/2022 in all 5 Municipal Courts**



# 3. Team Lead Report



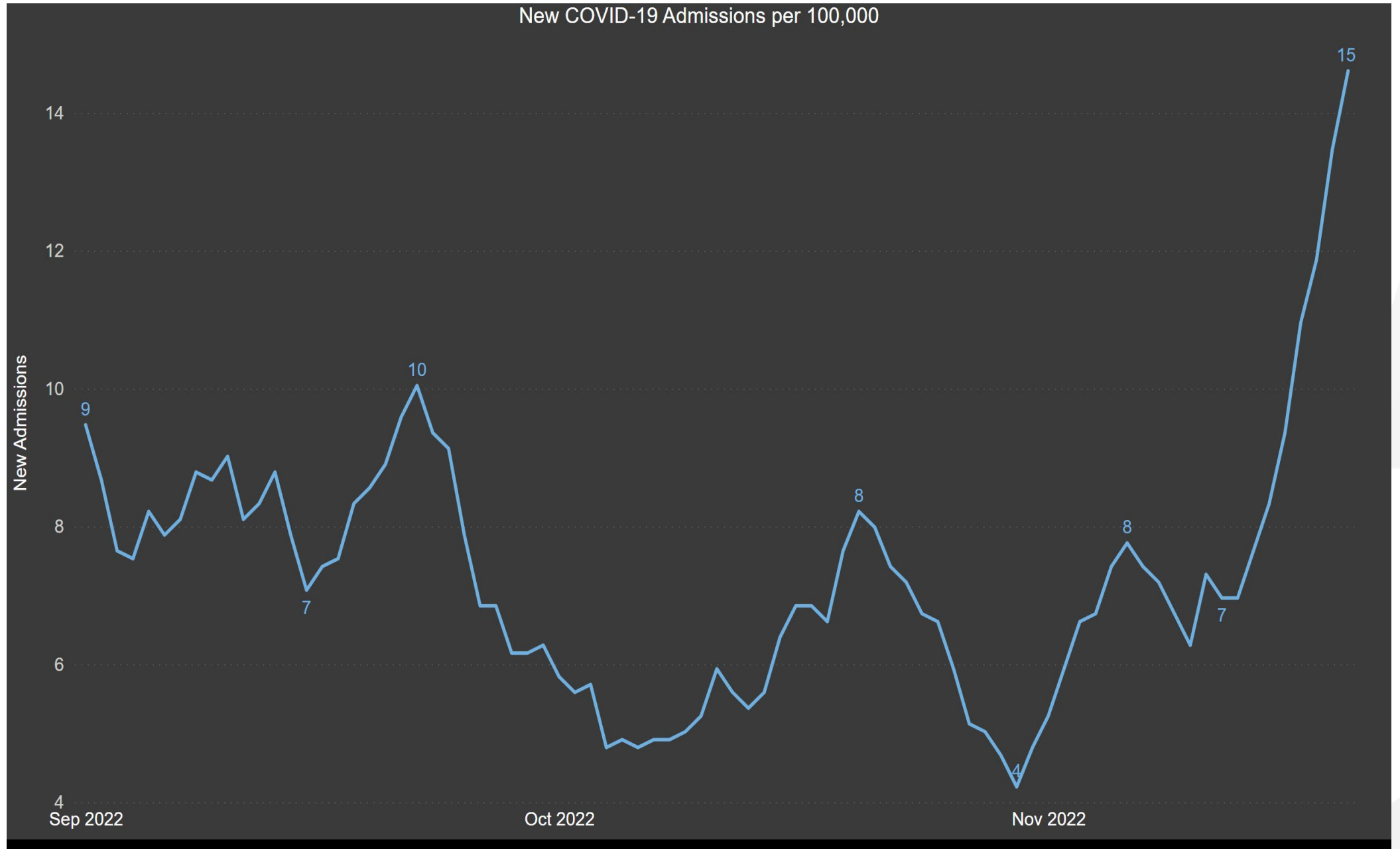
# **a. Health Focus**

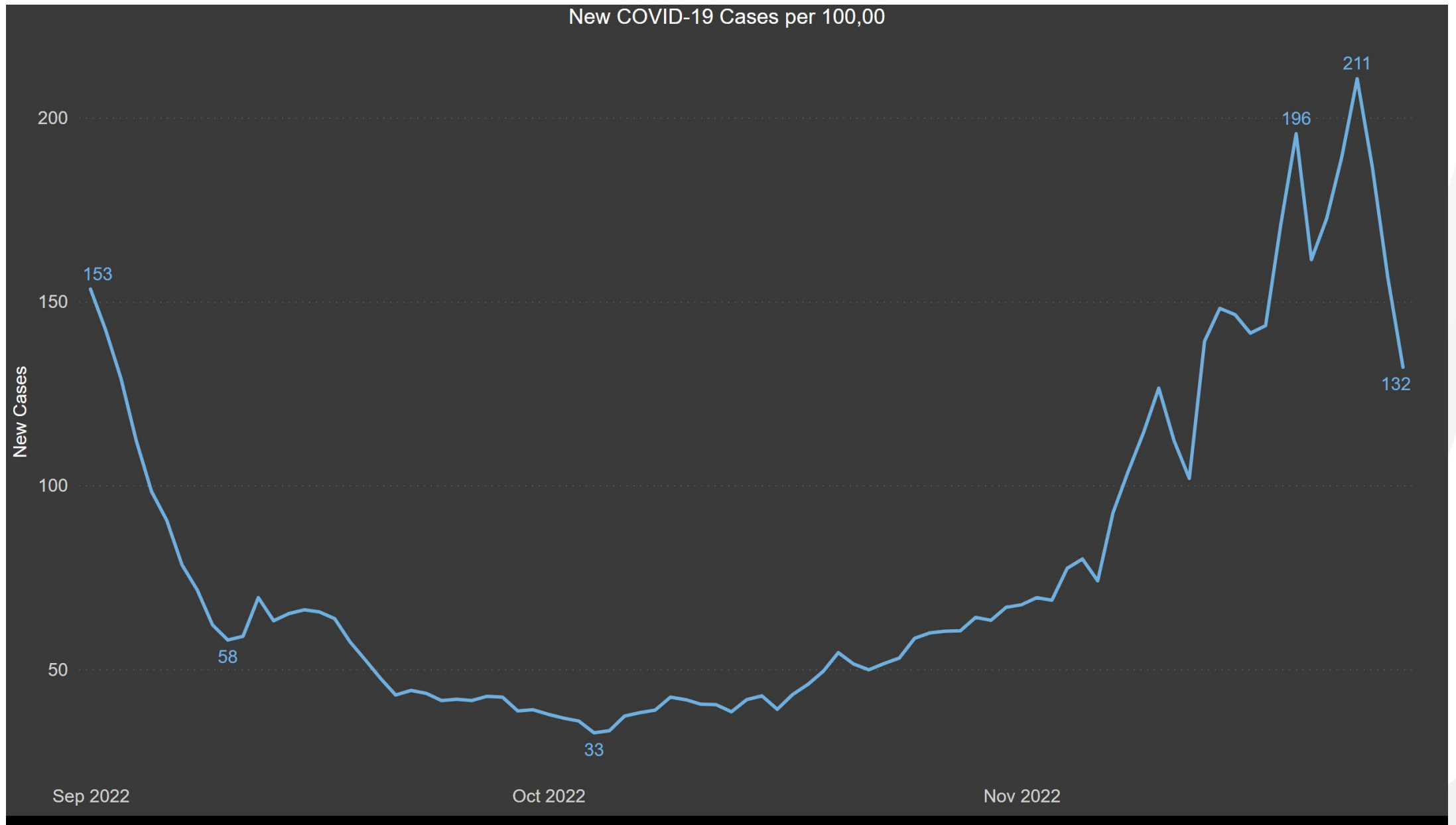
- i- COVID-19 update**
- ii- Influenza Update**
- iii- RSV Update**

Hector I. Ocaranza, M.D.

# COVID-19 Update

- There has been a four-fold increase in cases per 100,000
- New Hospitalizations now doubled in 2-3 weeks
- Over 100 patients hospitalized with COVID now
- We are starting to see the expected increase by late fall and winter.
- Bivalent booster dose still very effective in preventing hospitalization and death



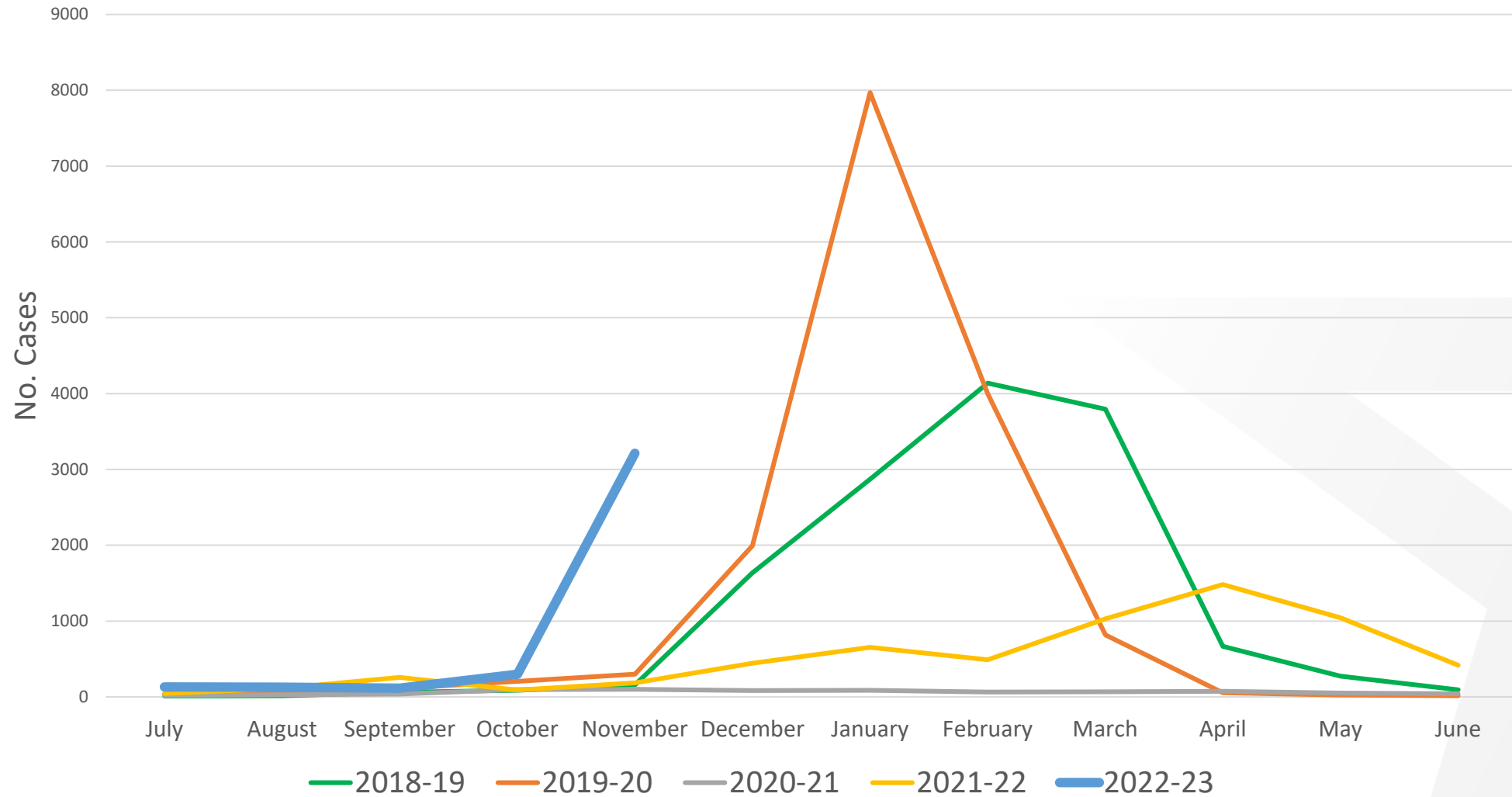




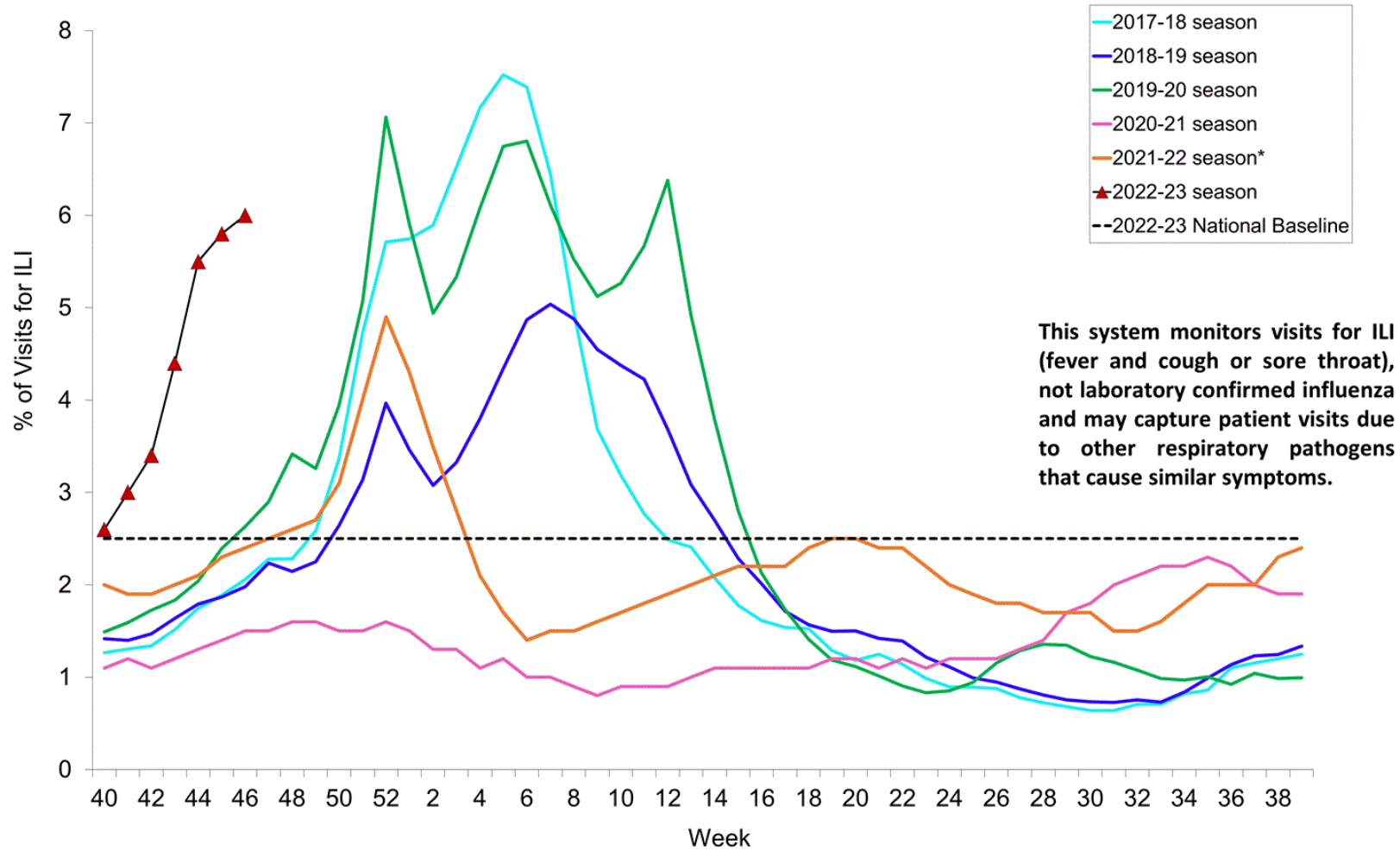
# Influenza

- This influenza season is proving to be severe in our community
- We saw over a 10-fold increase in surveillance cases
- Pediatric population mostly affected
- Flu vaccine very effective against identified strain this year
- Non-pharmacological preventive measures very effective

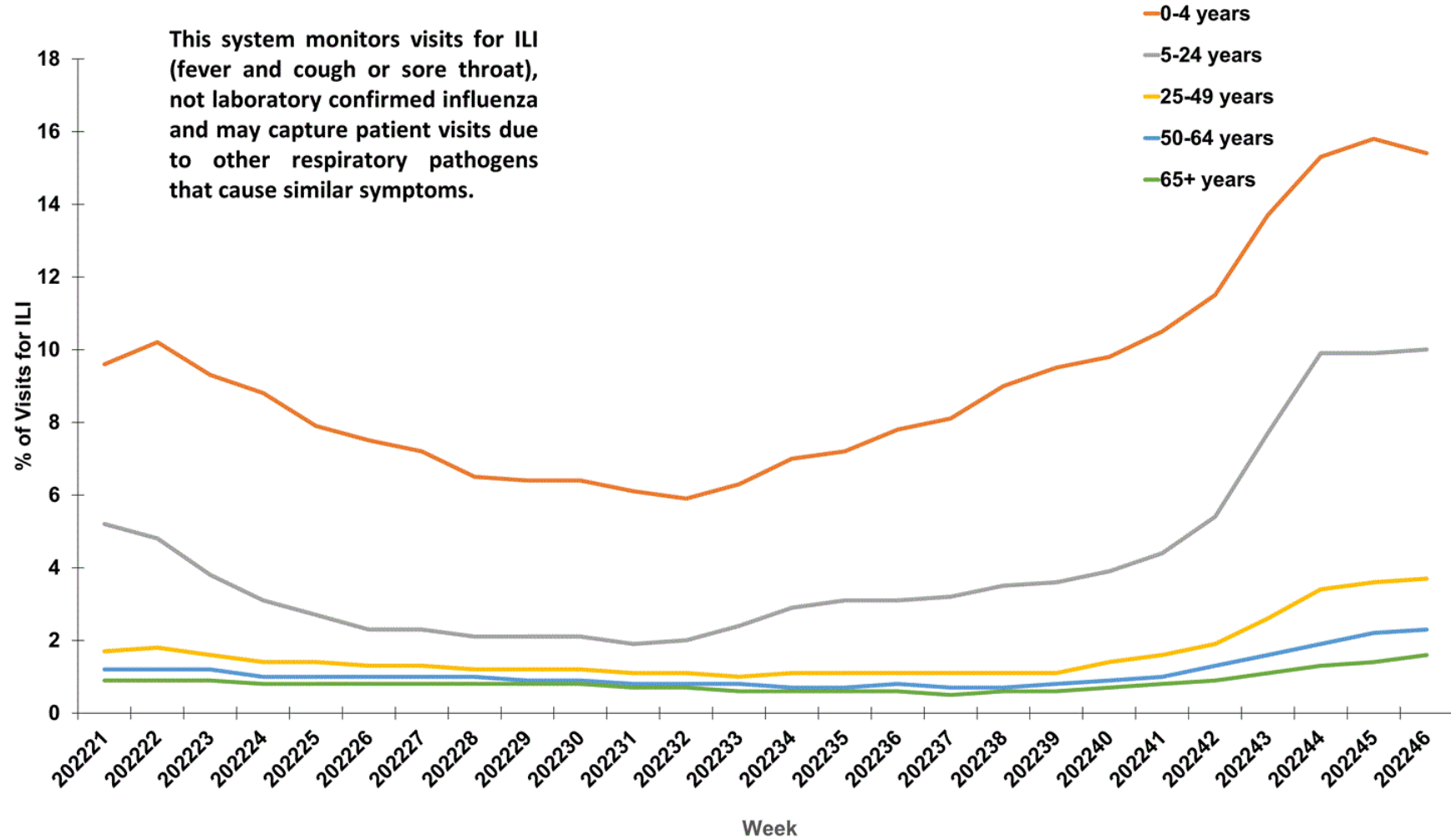
## Influenza Activity 2018-22 El Paso, TX



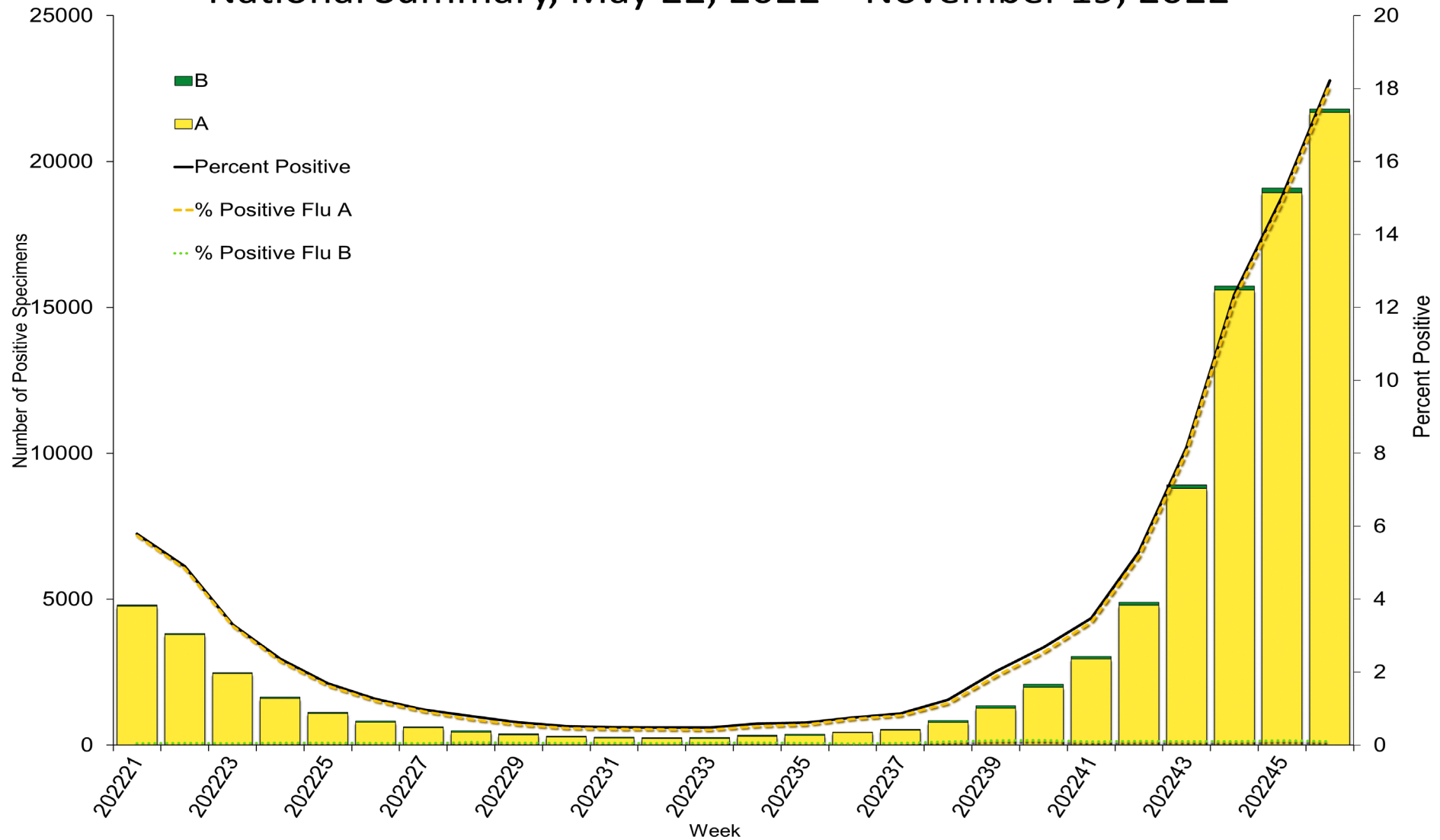
# Percentage of Outpatient Visits for Respiratory Illness Reported By The U.S. Outpatient Influenza-like Illness Surveillance Network (ILINet), Weekly National Summary, 2022-2023\* and Selected Previous Seasons



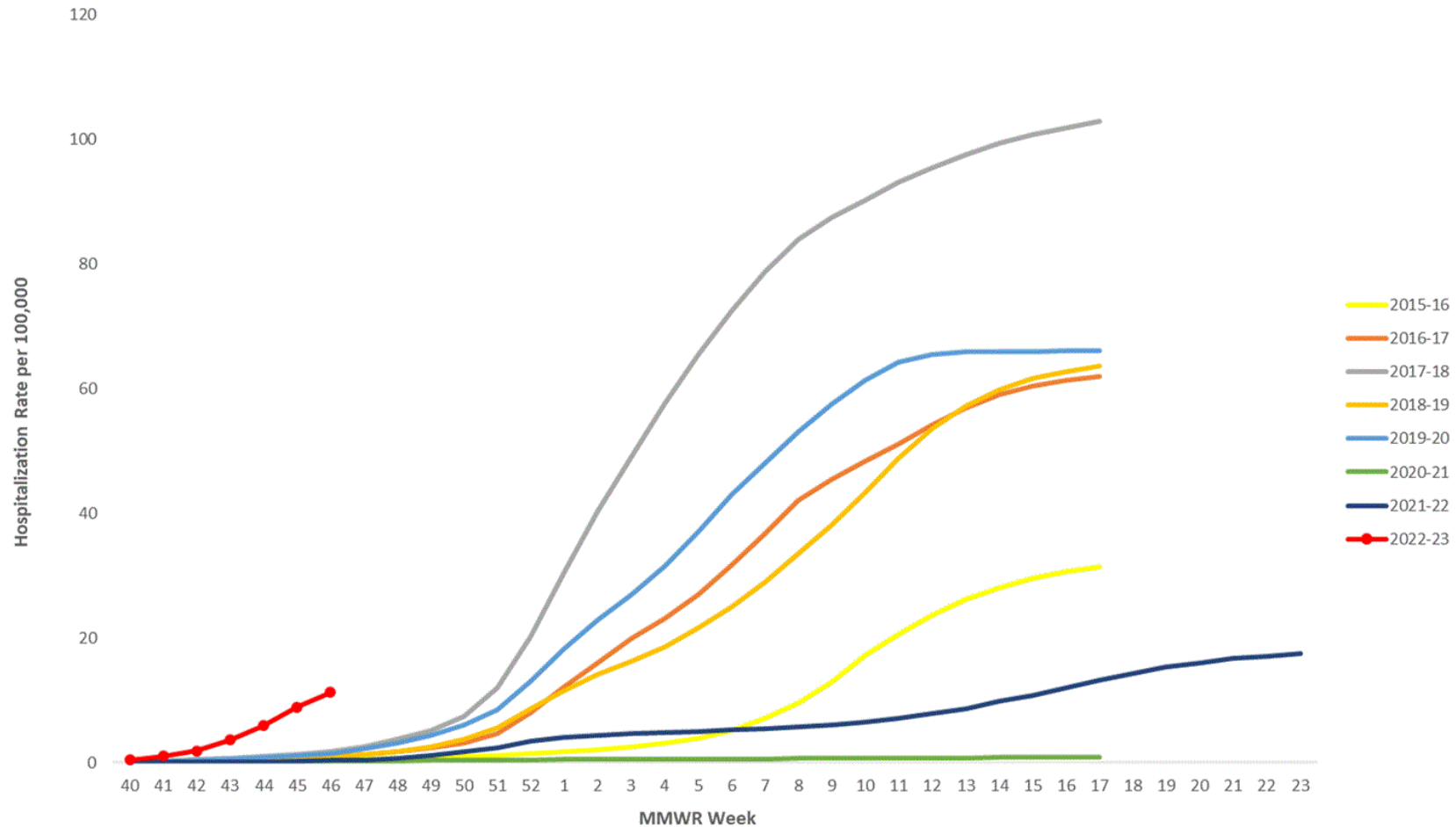
**Percentage of Outpatient Visits for Respiratory Illness by Age Group**  
Reported by the U.S. Outpatient Influenza-like Illness Surveillance Network (ILINet),  
Weekly National Summary, May 22, 2022-November 19, 2022\*



## Influenza Positive Tests Reported to CDC by U.S. Clinical Laboratories, National Summary, May 22, 2022 – November 19, 2022



## Cumulative Rate of Laboratory-Confirmed Influenza Hospitalizations among cases of all ages, 2015-16 to 2022-23, MMWR Week 46

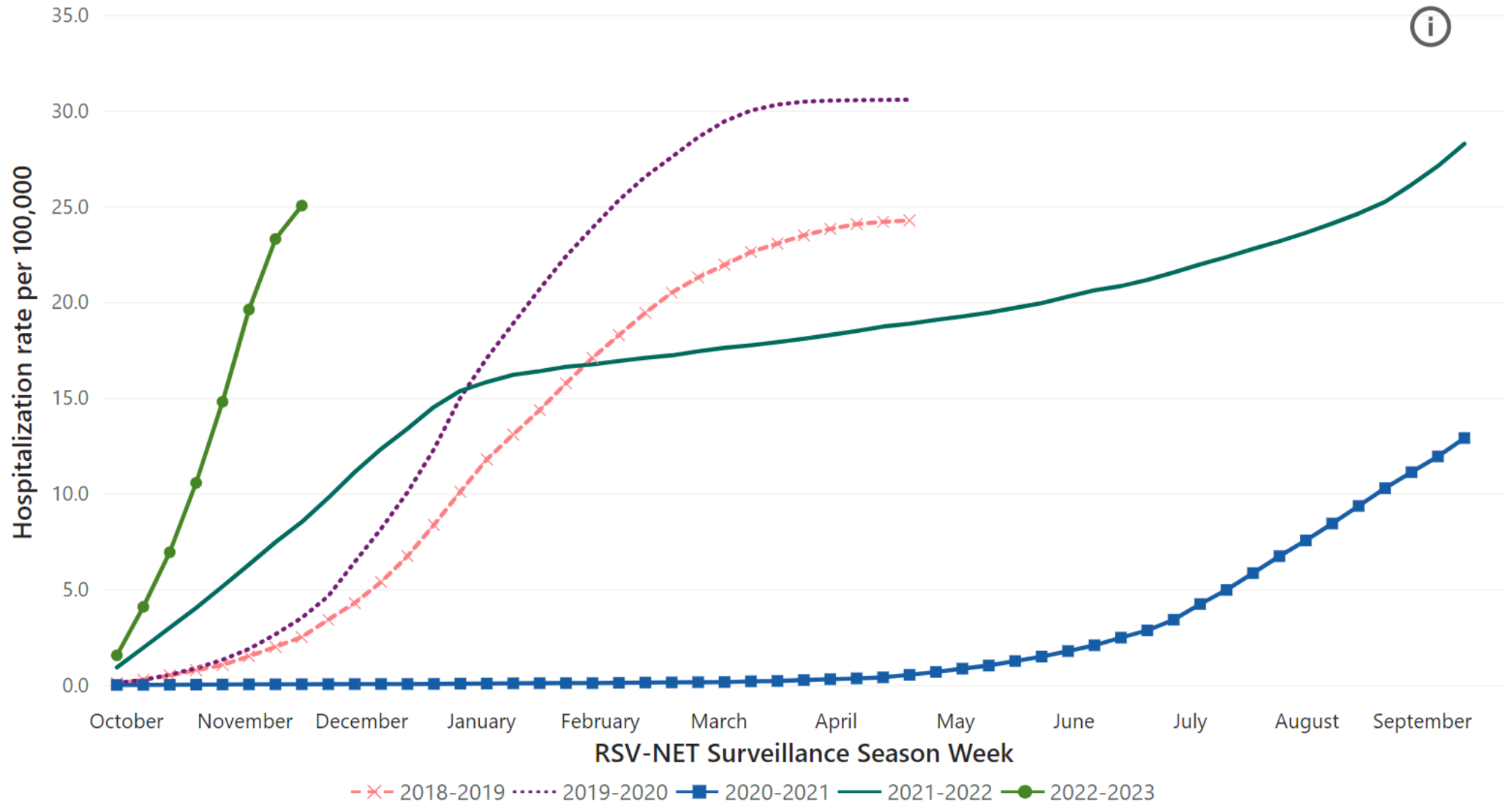


\*\*In this figure, cumulative rates for all seasons prior to the 2022-23 season reflect end-of-season rates. For the 2022-23 season, rates for recent hospital admissions are subject to reporting delays. As hospitalization data are received each week, prior case counts and rates are updated accordingly.

# Respiratory Syncytial Virus (RSV)

- Children younger than 4 mostly affected
- Large percent of outpatient visits to physicians are due to respiratory illnesses
- RSV Pediatric Hospital Admissions comprise most patients occupying a staffed bed
- Staffed pediatric hospital beds at 100% capacity in our city
- No Vaccine available
- Non-pharmacological preventive measures very effective

# Rates of RSV-Associated Hospitalization, all seasons





# 4. City Manager Wrap-up

Tommy Gonzalez

A large, stylized orange star graphic is located on the left side of the slide. It is composed of several thick, angular lines that form a star shape, pointing towards the center of the slide.

# Thank you!



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 22-1550, Version: 1**

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### **CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM**

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

##### **All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

#### **AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** December 5, 2022  
**PUBLIC HEARING DATE:** December 5, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, DCM (915) 212-5605

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management.

**SUBGOAL:** 6.8 Support transparent and inclusive government.

**SUBJECT:**

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency.

**BACKGROUND / DISCUSSION:**

Emergency Ordinance No. 019363 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 7, 2022.

**PRIOR COUNCIL ACTION:**

Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on November 7, 2022; and

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Fire Department

**SECONDARY DEPARTMENT:** Department of Public Health

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Mario M. D'Agostino*

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**ORDINANCE NO. \_\_\_\_\_**

**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 November 7, 2022; 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 November 15, 2022, the number of new COVID-19 active cases reported in El Paso is 352 and the cumulative number is 290,510; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> day following the date on which it was adopted, but may be re-enacted to continue a Disaster Declaration; and

**WHEREAS**, Emergency Ordinance No. 019395 which re-enacts Emergency Ordinance No. 019035 is set to expire on December 07, 2022;

**WHEREAS**, the condition necessitating a declaration of a state of disaster continues to exist.

**ORDINANCE NO. \_\_\_\_\_**

**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.

**PASSED AND ADOPTED, this \_\_\_\_\_ day of December 2022.**


**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leaser  
Mayor

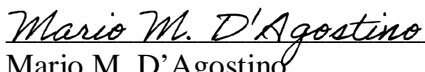
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mario M. D'Agostino  
Deputy City Manager  
Public Health & Safety

**ORDINANCE NO.** \_\_\_\_\_



Legislation Text

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File #: 22-1552, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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*No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on 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.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** December 5, 2022  
**PUBLIC HEARING DATE:** December 5, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, DCM (915) 212-5605

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management.  
**SUBGOAL:** 6.8 Support transparent and inclusive government.

**SUBJECT:**

Discussion and action on 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.

**BACKGROUND / DISCUSSION:**

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.

**PRIOR COUNCIL ACTION:**

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 November 7, 2022; and

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Fire Department

**SECONDARY DEPARTMENT:** Department of Public Health

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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*Mario M. D'Agostino*



**ORDINANCE NO. \_\_\_\_\_**

**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 November 7, 2022; and

**WHEREAS**, pursuant to City Charter Section 3.10, every emergency ordinance shall stand repealed automatically as of the 31<sup>st</sup> 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.

**Ordinance No. \_\_\_\_\_**

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.

**PASSED AND ADOPTED, this \_\_\_\_ day of December 2022.**


**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

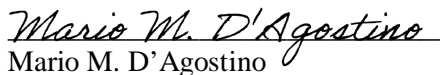
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mario M. D'Agostino  
Deputy City Manager  
Public Health & Safety

**Ordinance No. \_\_\_\_\_**



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 22-1562, Version: 1**

---

### **CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM**

#### **DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

##### **All Districts**

Capital Improvement Department, Sam Rodriguez, (915) 212-0065

#### **AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on 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.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** December 5, 2022  
**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Sam Rodriguez, P.E., 212-0065

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 6. Set the standard for sound governance and fiscal management

**SUBGOAL:** Subgoal 6.5. Deliver services timely and effectively with focus on continual improvement

**SUBJECT:**

Discussion and action on 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.

**BACKGROUND / DISCUSSION:**

This item is 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. To achieve this, this item would re-enact Emergency Ordinance No. 019241 for 30 days to continue the suspension of various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and continue the pilot program.

**PRIOR COUNCIL ACTION:**

March 13, 2020, the Mayor declared a local state of disaster for the City of El Paso resulting from a public health emergency.

March 17, 2020, El Paso City Council adopted Emergency Ordinance No. 019035 extending the City's Disaster Declaration due to a Public Health Emergency. Also on, March 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration monthly, with the most recent extension taking place on August 31, 2020.

August 31, 2020, El Paso City Council adopted Emergency Ordinance No. 019091, which suspended various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property and established a pilot program.

September 28, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 27, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091. Also, City Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000.

November 23, 2020, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091, which included the amendment to increase the fine to \$1,000 (Ordinance No. 019119).

Revised 11/30/2021



**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 November 07, 2022; and

**WHEREAS**, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on November 18, 2022; 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 November 07, 2022 (Ord. No.019397) ("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

**ORDINANCE NO.** \_\_\_\_\_

20-1052-1069 | 1216910  
Fifteenth Re-enactment of Emergency Ordinance No. 019241 Rights of Way  
KMN | JSG

**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 January 04, 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.

**PASSED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2022.


**THE CITY OF EL PASO, TEXAS:**

\_\_\_\_\_  
Oscar Leaser  
Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Yvette M. Hernandez  
City Engineer

**ORDINANCE NO.** \_\_\_\_\_



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People





Sun City Safe [streets][business][foodcourt]





## Sun City Safe Program:

1. Program Summary
2. Prototypes to pilot program
3. Program Updates

### Strategic Goals:

Goal 1: *Create an Environment Conducive to Strong Sustainable Economic Development*

Goal 2: *Set the Standard for a Safe and Secure City*

Goal 6: *Set the standard for sound governance and fiscal management*





## 1. Program Summary



# Proposed Pilot Program:

- Aligns with emergency order duration time, with sunset date or possible extension to be determined
- All eligible streets have been identified by CID planning and S&M that meet criteria
- All private properties may apply for inclusion
- All spaces proposed for public use need to submit for an application, whether private or publicly owned.





- **[Streets]:** Addressing any use of ROW for safe distancing practices; **partial street closure + traffic lane reduction + more sidewalk space = shared streets.**



- **[Business]:** Addressing any use of outdoor space within a private property for a business to offer for safe distancing practices; **reduced parking requirements + outdoor seating = increased capacity**



- **[Food Court]:** Addressing use of joint outdoor space for multiple restaurants or food trucks to offer their patrons; **closed ROW/shared parking lots + shared outdoor seating = shared increased capacity**





- **[Streets]:** Use of ROW for safe distancing practices for private property owners:
  - **Ped-Way (Pedestrian lane)** – for recreational use, pedestrian or bicycling commuting
  - **ROW Cafe**– for businesses to offer additional space for their patrons outside their establishment for a partial street closure of a block
  - **Parking-parklets** – for businesses to use on-street parking spaces for additional outside space for patrons



- **[Business]:** Providing additional use of outdoor space within a private property for business owners
  - Off-street surface or garage parking within their properties for:
    - Additional dining space
    - Queuing for pick-up





- **[Food Court]:** Providing use of joint outdoor space for multiple restaurants or food trucks to offer their patrons
  - Consolidated location on a partial street closure (on ROW)
  - Consolidated location on a shared off-street parking lot (within private property)



# Sun City Safe Program Summary:



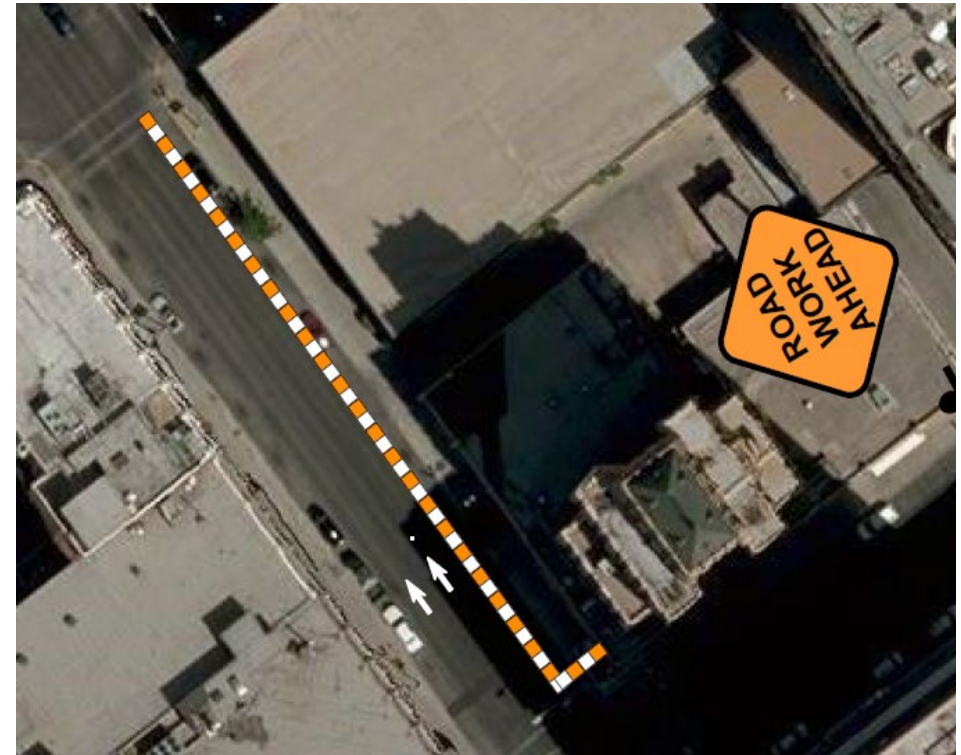
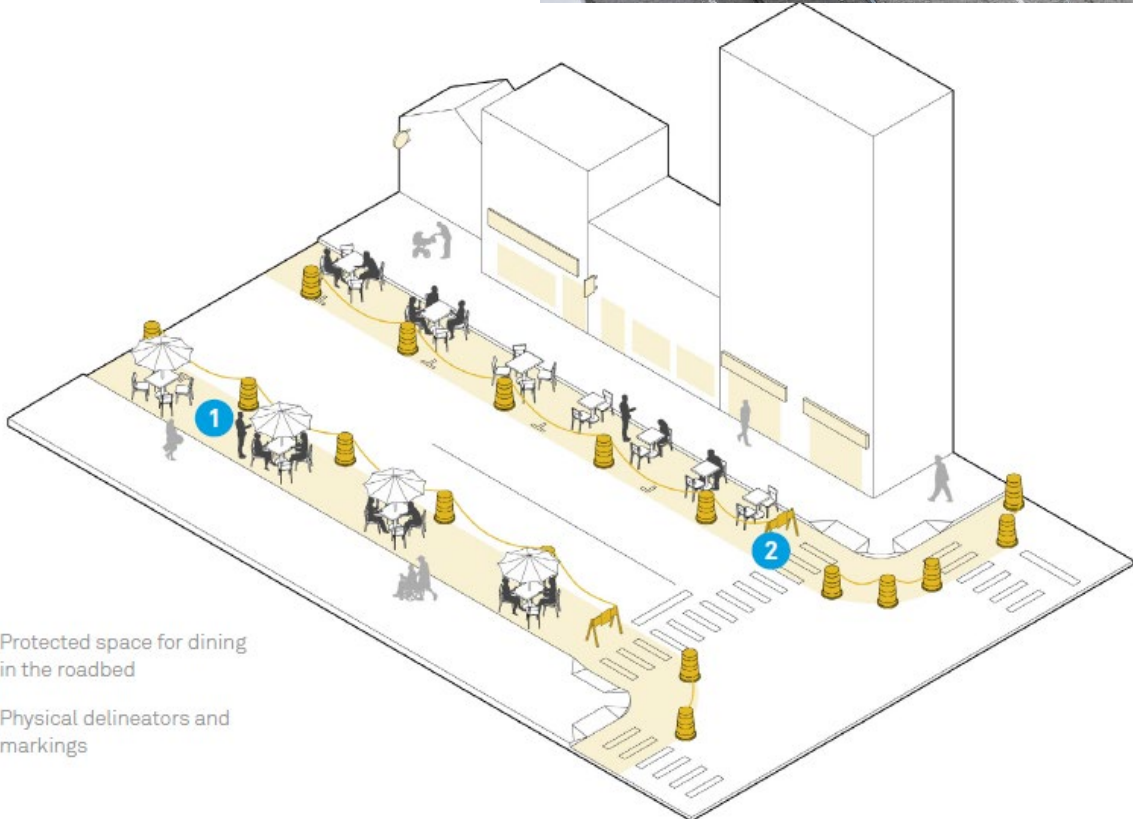
- Sun City Safe program is coordinated as an expedited permit type in response to COVID 19:
  - Pilot process coordinated with multiple user departments
- City Pilot Prototypes are to test-run initiative and finalize application and administrative process:
  - Ped-lane on Campbell Street (between 3<sup>rd</sup> st. and 6<sup>th</sup> st.)
  - ROW Café on Stanton (between Mills and Texas)
- Language in emergency order included to launch Pilot Sun City Safe Program throughout city .
- Coordination with Economic Development to identify funding and economic assistance for applicants was secured through CARES Act, to purchase traffic control inventory.





# Prototypes

## Prototype 1: ROW Cafe



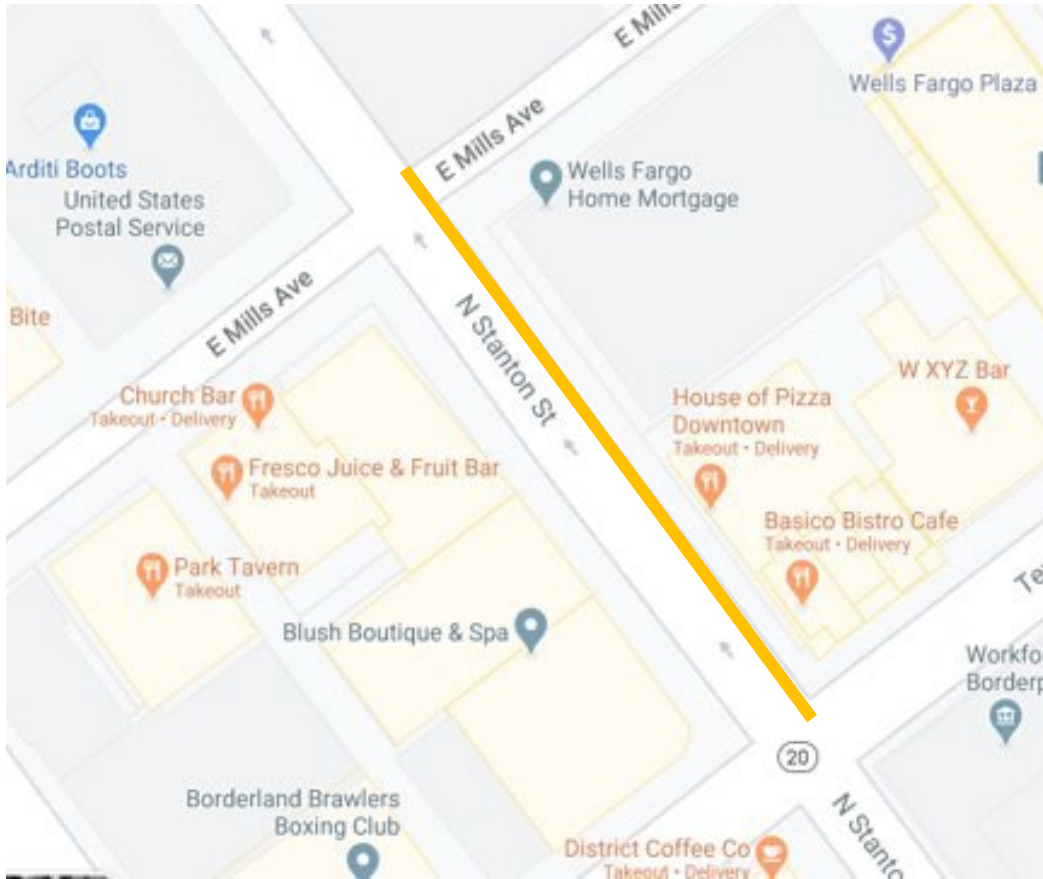


# R.O.W Cafe:

Stanton; between Mills and Texas

13

- Street lane closed off to serve as space for outdoor seating
  - Deployed by Streets & Maintenance on Nov. 30<sup>th</sup> and removed during the week of January 25<sup>th</sup>







EXISTING

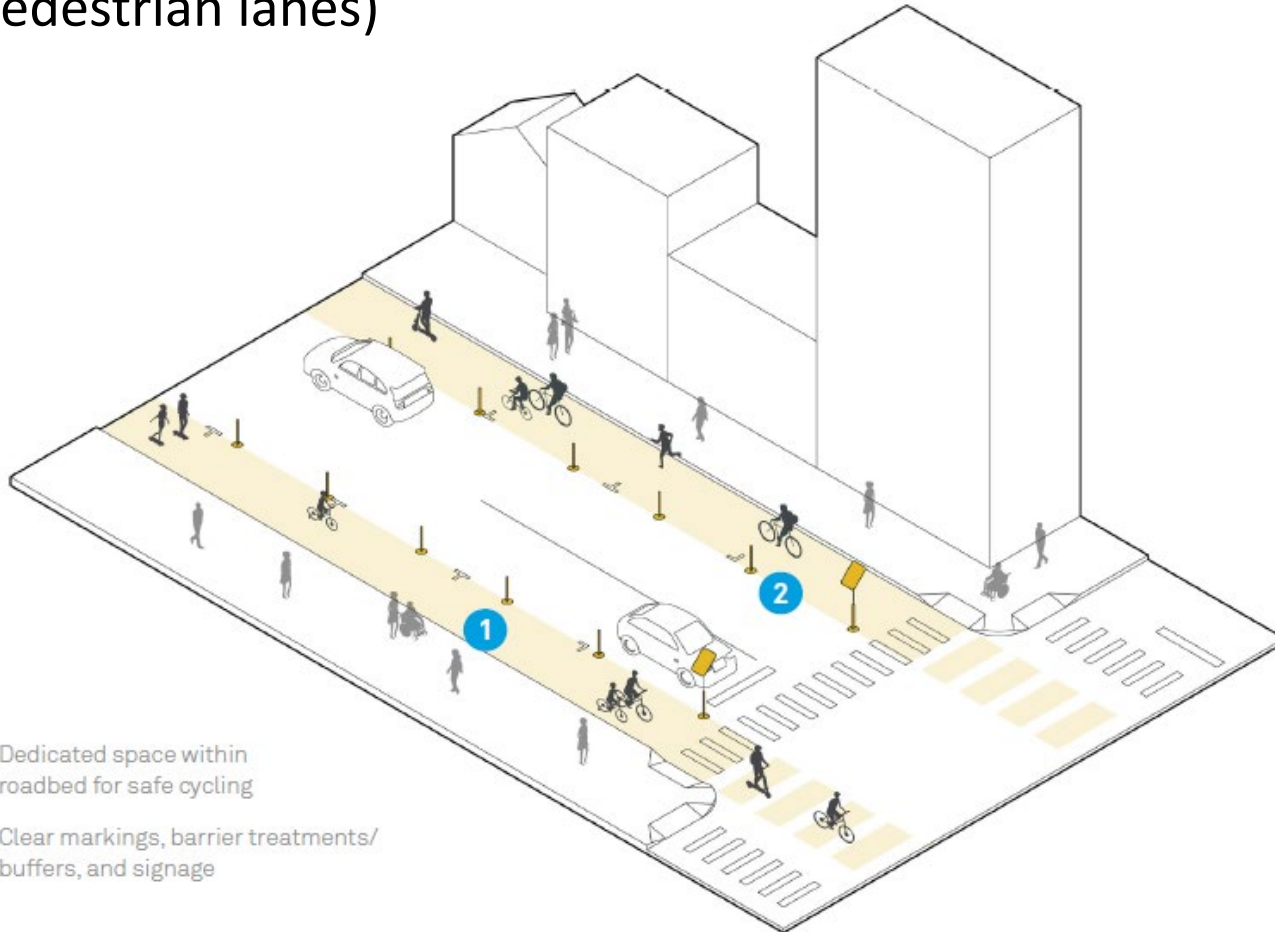


PROPOSED



# Prototypes

## Prototype 2: Ped-way (pedestrian lanes)



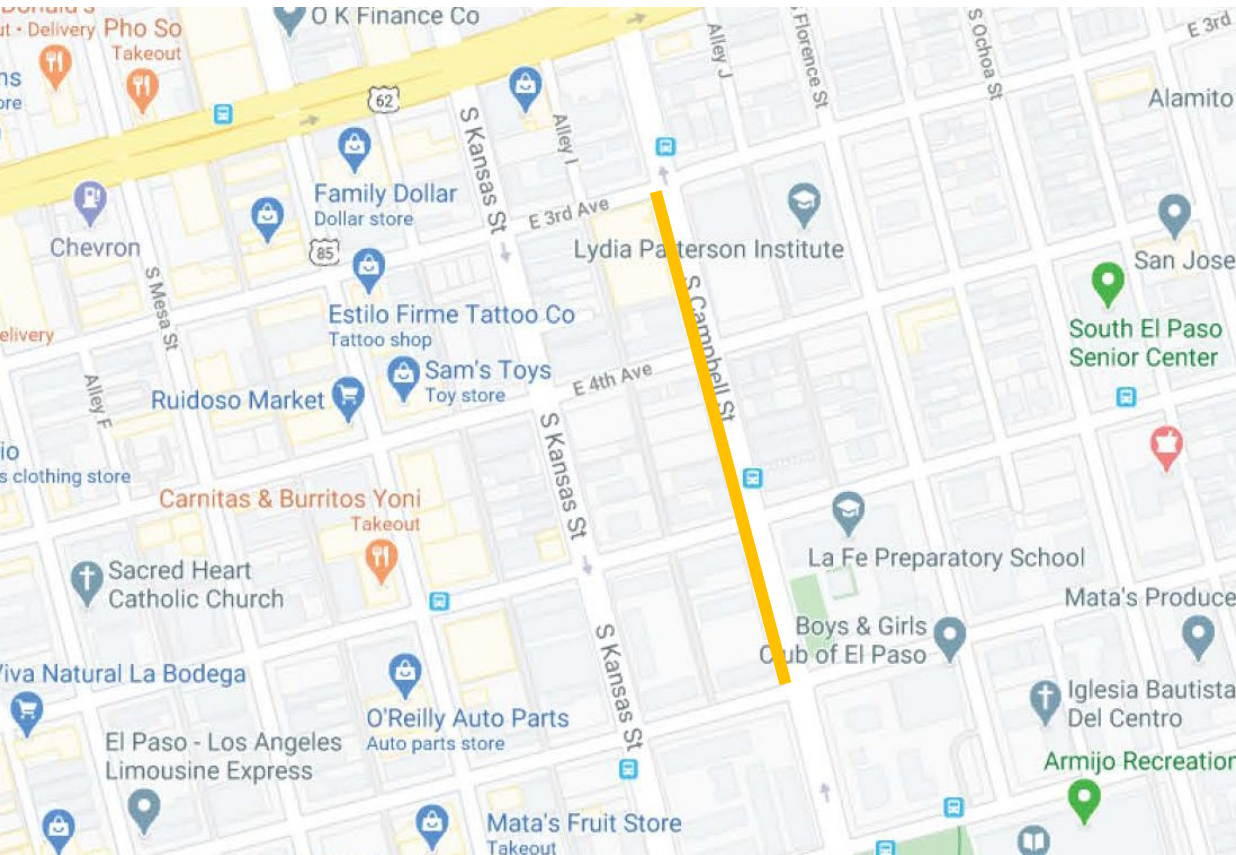
- 1 Dedicated space within roadbed for safe cycling
- 2 Clear markings, barrier treatments/ buffers, and signage





# Ped-Way: Campbell; between 3rd and 6th

- Lane closed off for added outdoor space for commuting and physical activity
  - Deployed by Streets & Maintenance on Nov. 30<sup>th</sup> and removed during the week of January 25<sup>th</sup>





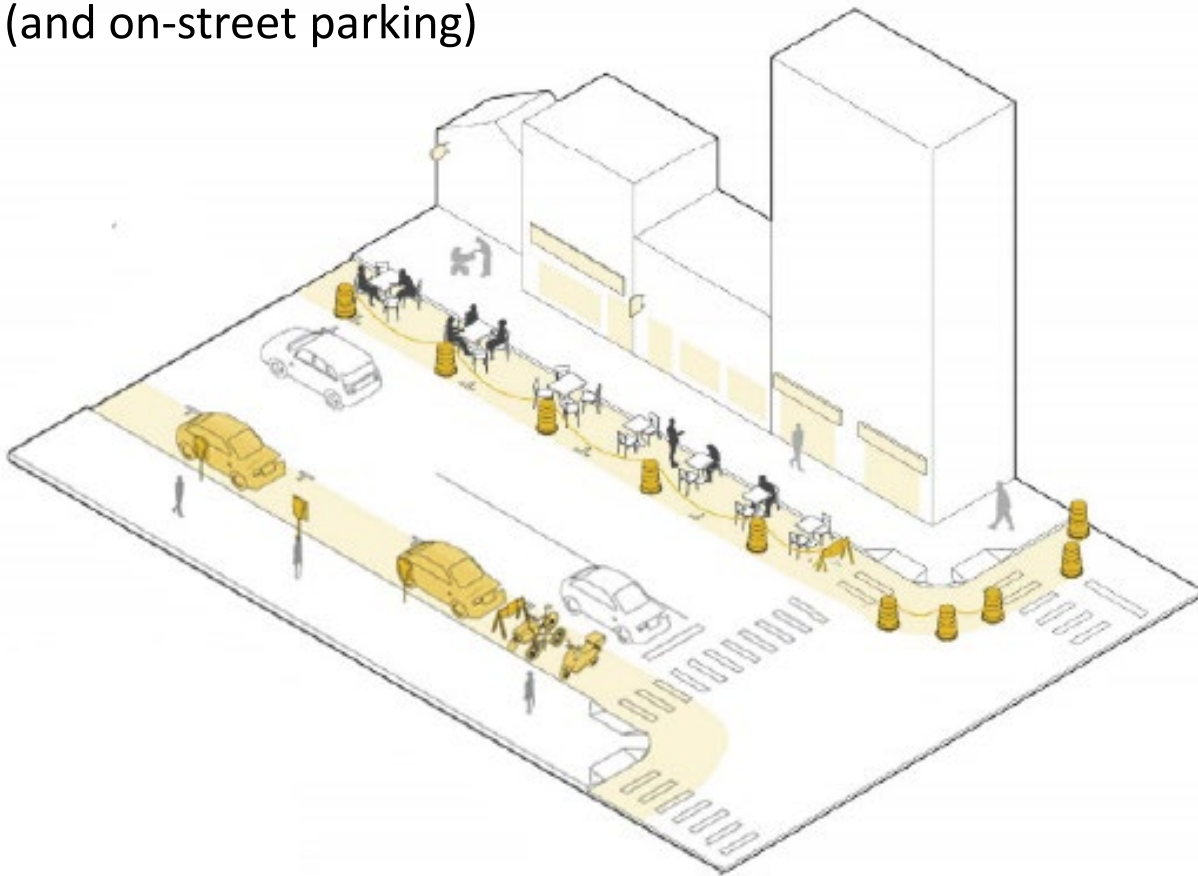






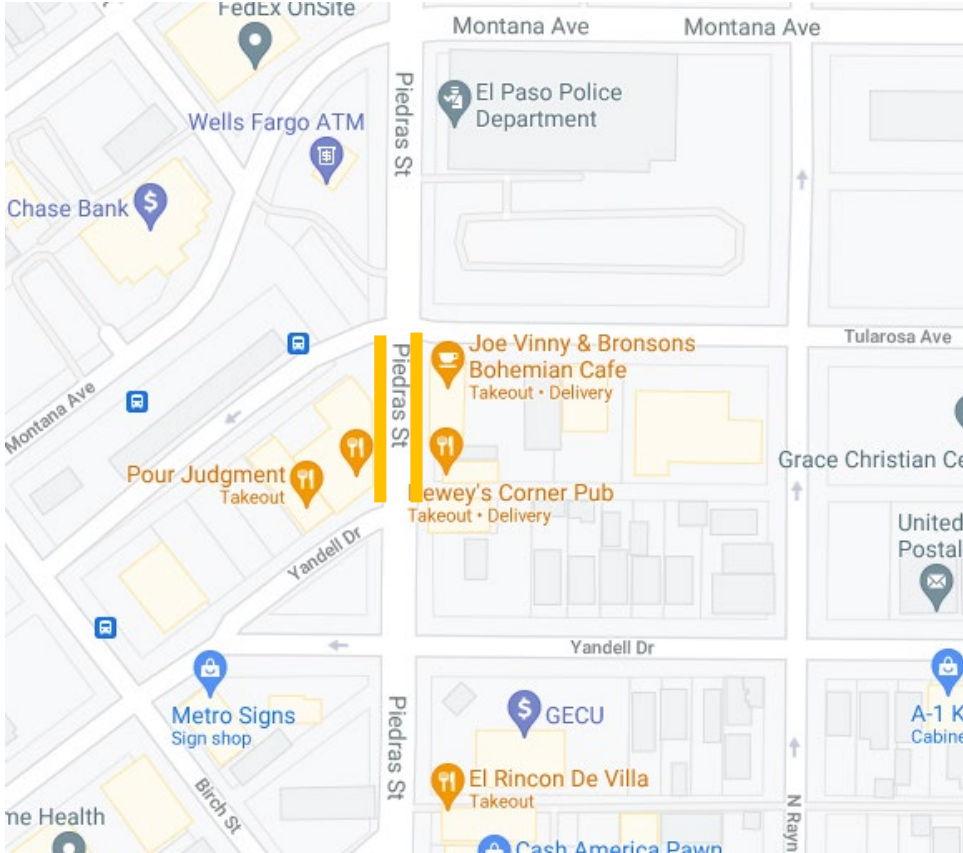
# Prototypes

## Prototype 3: ROW Café (and on-street parking)



# ROW Café : Piedras; between Tularosa and Yandell (alley)

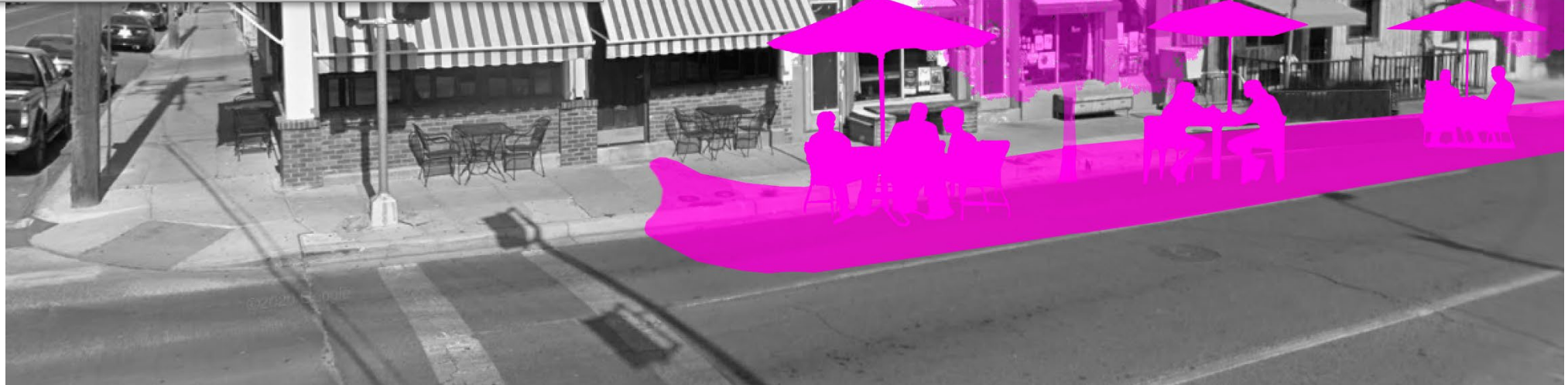
- Street lanes (2) closed off to serve as space for outdoor seating on one side of Piedras and on-street parking on the other
  - Deployed by Streets and Maintenance on April 23<sup>rd</sup>







EXISTING



*\*Only one side of prototype shown in rendering (northbound-lane)*

Street lanes (2) closed off to serve as space for outdoor seating on one side of Piedras (northbound-lane) and on-street parking on the other (southbound-lane)

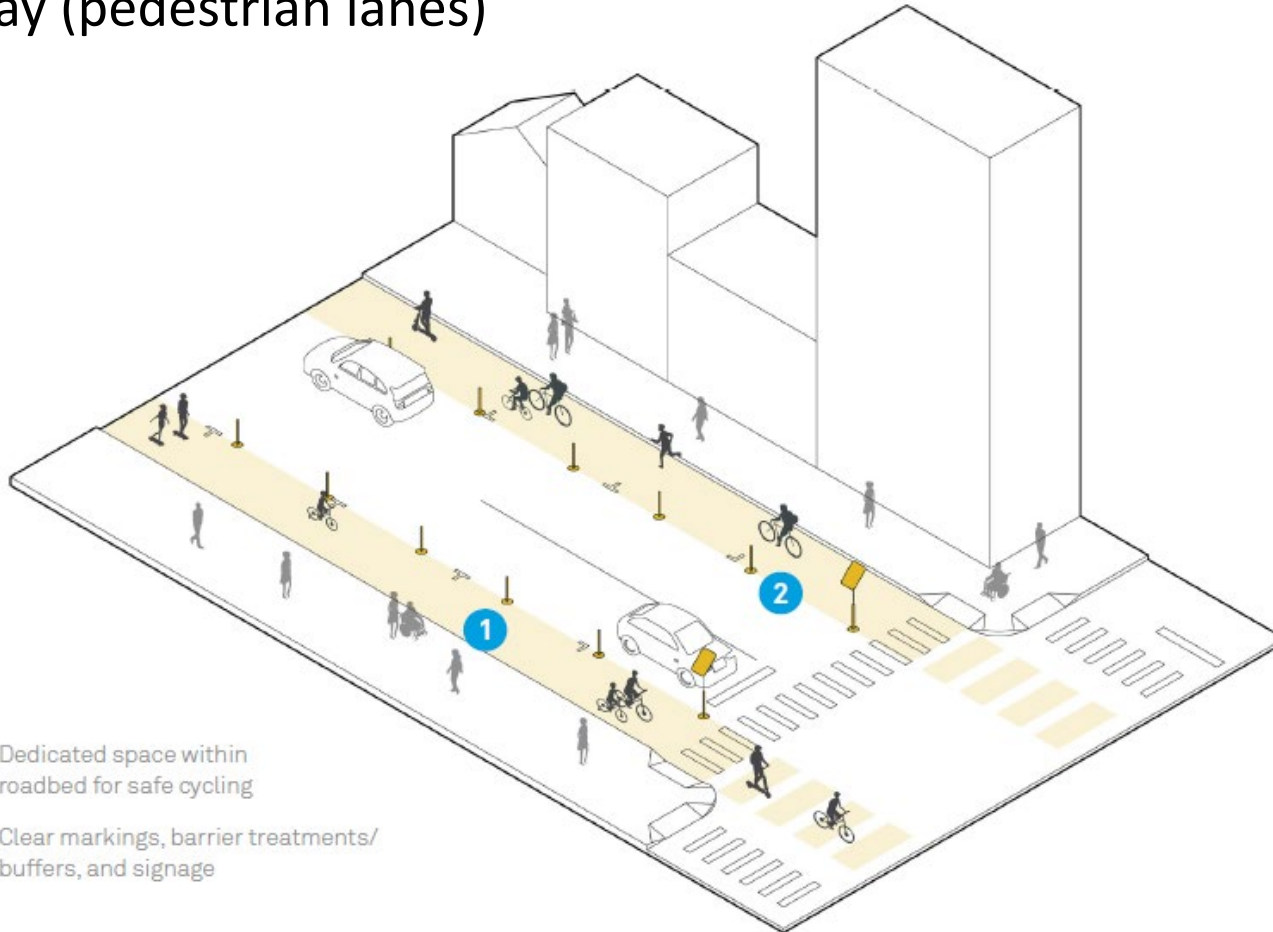


*\*Only one side of prototype shown in rendering (southbound-lane)*  
 Street lanes (2) closed off to serve as on-street parking



# Prototypes

## Prototypes 4 & 5: Ped-way (pedestrian lanes)

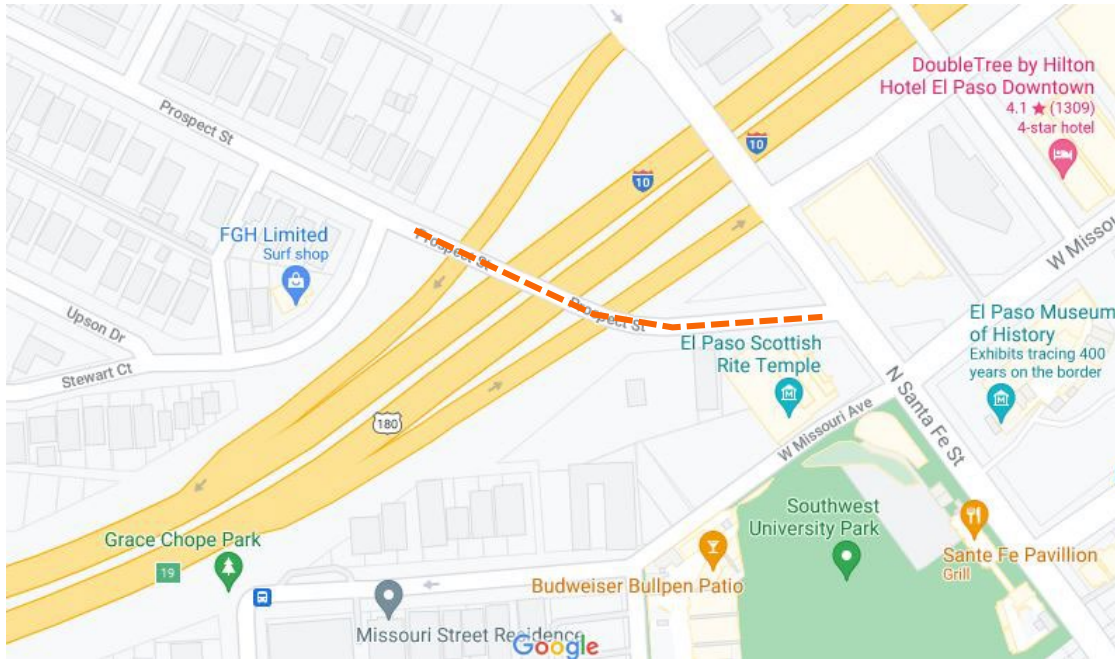


# Ped-Way:

Prospect; between Stewart Ct. and Santa Fe St.



- Existing metered parking lanes temporarily closed to allow for protected Bike lanes on both sides of street.
  - Deployed by Streets and Maintenance on March 26<sup>th</sup>
  - Permit expired April 26<sup>th</sup>



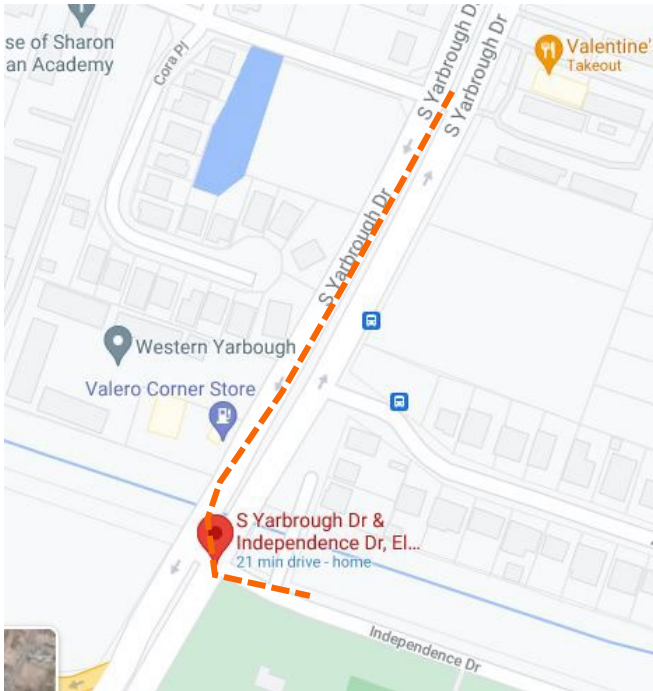


# Ped-Way:

Yarborough; between Mansfield Ave. and Independence Dr.

25

- Applicant: American Heart Association for Complete Streets Program. South bound lane closed for protected hike and bike lane, with enhanced crosswalk for connectivity to Playa Drain Trail
  - Deployed by Streets and Maintenance on July 8th
  - Permit expired July 12th





# Pre-packaged Online application Process:

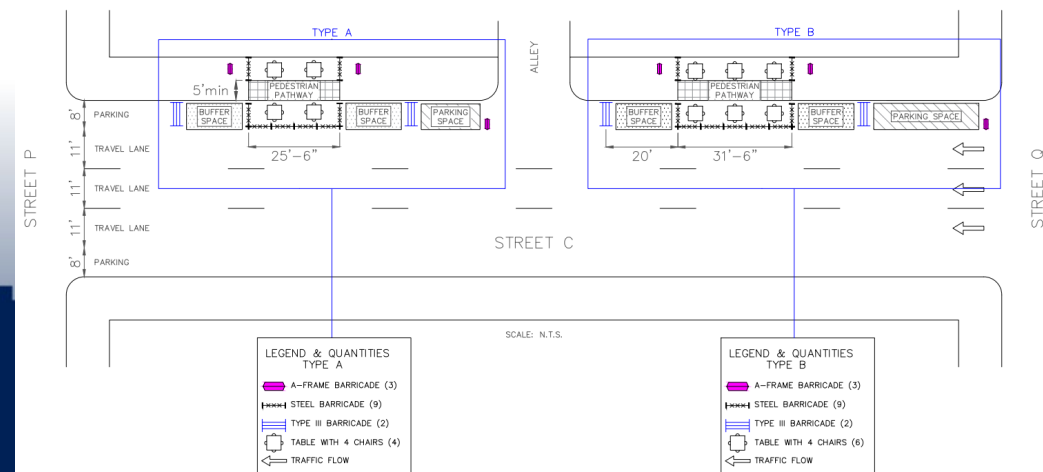
- Application through OSS:
  - Free / No permit fee
  - Meet pre-eligibility criteria for TCP template implementation
  - Indemnification waiver and insurance when applicable
  - Templates provided to allow for expedited review time
  - Additional documentation per program use

The screenshot shows the City of El Paso Online Service System (OSS) homepage. At the top, there's a navigation bar with the City of El Paso logo and the text 'CITY OF EL PASO'. Below this, a header area contains links for 'Logged in as...', 'Collections (0)', 'Cart (0)', 'Account Management', and 'Logout'. A search bar is also present. A red 'Attention' message states: 'Due to problems when uploading documents, the recommended browser is Internet Explorer 10 or greater.' The main menu includes 'Home', 'Building', 'Health', 'Licenses', 'Planning', 'Telecom & RoW', and 'more'. Below the menu, there are buttons for 'Create an Application' and 'Search Applications'. The 'Select a Record Type' section prompts the user to 'Choose one of the following available record types. For assistance or to apply for a record type not listed below please contact us.' It features a dropdown menu with 'City' selected, and 'Safe Streets' expanded, showing 'City/Permit/Sun City Safe Streets/NA'. A 'Continue Application >' button is at the bottom.



PILOT PROGRAM IN RESPONSE TO COVID19  
SAFETY ORDERS

TYPICAL 2 - OUTDOOR DINNING (HALF LANE WITH PARKING)  
TYPE A & B





# Sun City Safe Program Website:

## PLANNING AND INSPECTIONS

### PROGRAM GUIDELINES AND ELIGIBILITY DOCUMENTS

- [Program & Design Guidelines](#)
- [Approved Emergency Order](#)
- [Location Eligibility Criteria](#)
- [Traffic Control Plan Templates](#)
- [Program Overview Presentation](#)

[CoEP](#) ► [Home](#) ► [Planning and Inspections](#) ► [Sun City Safe Pilot Program](#)

[HOME](#) [APPLICATIONS](#) [BUSINESS LICENSING](#) [CITIZEN ACCESS PORTAL](#) [INTERACTIVE MAPS](#) [ONE STOP SHOP](#) [SUN CITY SAFE PILOT PROGRAM](#) [PLANNING DIVISIONS](#) [INFILL](#) [TELECOMMUNICATION FACILITIES](#) [SPECIAL EVENTS](#) [FLOOD ZONES](#) [PLAN EL PASO](#)  
[SHARED USE MOBILITY DEVICES](#) [HISTORIC PRESERVATION](#) [CONTACT US](#)

## SUN CITY SAFE PILOT PROGRAM

### CITY OF EL PASO SUN CITY SAFE PROGRAM

*Approved August 31<sup>st</sup>, 2020*

**Welcome to the City of El Paso Sun City Safe Pilot Program!** The Sun City Safe program is set up under the Pledge to Safety umbrella in the City's emergency COVID19 response and safety orders. It is part of the City's commitment to helping the local community by promoting the safe operations of businesses, as well as providing relief from quarantine stress by offering usable outdoor space for increasing capacity, exercise and commuting space for residents. For the duration of the emergency orders, the pilot program will allow in its different permit types, the use of the Right-Of-Way, or designated off-street parking space, for the use of the community to safely exercise, commute, or patronize local businesses.

### PROGRAM OVERVIEW

**The Sun City Safe Program offers three main permit types, to fit different models of outdoor use for patrons and residents throughout the City.**

The program will allow applicants to obtain a permit to use the Right-Of-Way or the parking lots on their property for safe outdoor use of either extensions of their businesses, or as added exercise, recreational or commuting space. The Permit is at no cost, and the City offers traffic control inventory to set up on the ROW for safe deployment of the different program permit types. Depending on their location, permit types allow for the following:

### SAFE STREETS

"Safe Streets" means the occupation of a portion of the public right of way that is currently used as on-street parking and/or automobile traffic that shall be utilized for additional outdoor public space. This space shall be used for the following purposes:



<http://www.elpasotexas.gov/planning-and-inspections/sun-city-safe-pilot-program>



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



## Values

Integrity, Respect, Excellence, Accountability, People



## Misión

Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

## Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño

## Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas



Legislation Text

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File #: 22-1548, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

Fire, Interim Chief Jonathan P. Killings, (915) 493-5609

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Presentation, discussion and action by the City Manager's Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** December 5 , 2022

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:**

Mario D'Agostino, Deputy City Manager, (915) 212-5605  
Jonathan P. Killings, Interim Fire Chief, (915) 493-5609

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** 2 – Set the Standard for a Safe and Secure City

**SUBGOAL:** 2.1 – Maintain standing as one of the nation's top safest cities

**SUBJECT:**

Presentation, discussion and action by the City Manager's Office and Office of Emergency Management providing information on key activities, efforts, and processes related to the migrant crisis.

**BACKGROUND / DISCUSSION:**

Update provided to City Council regarding the current status of migrant influx.

**PRIOR COUNCIL ACTION:** N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** City Manager's Office & Office of Emergency Management

**SECONDARY DEPARTMENT:** Fire, All City

**BOARD I COMMISSION ACTION:**

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

*Mario M. D'Agostino*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



# Update on Migration Crisis

Ongoing Efforts

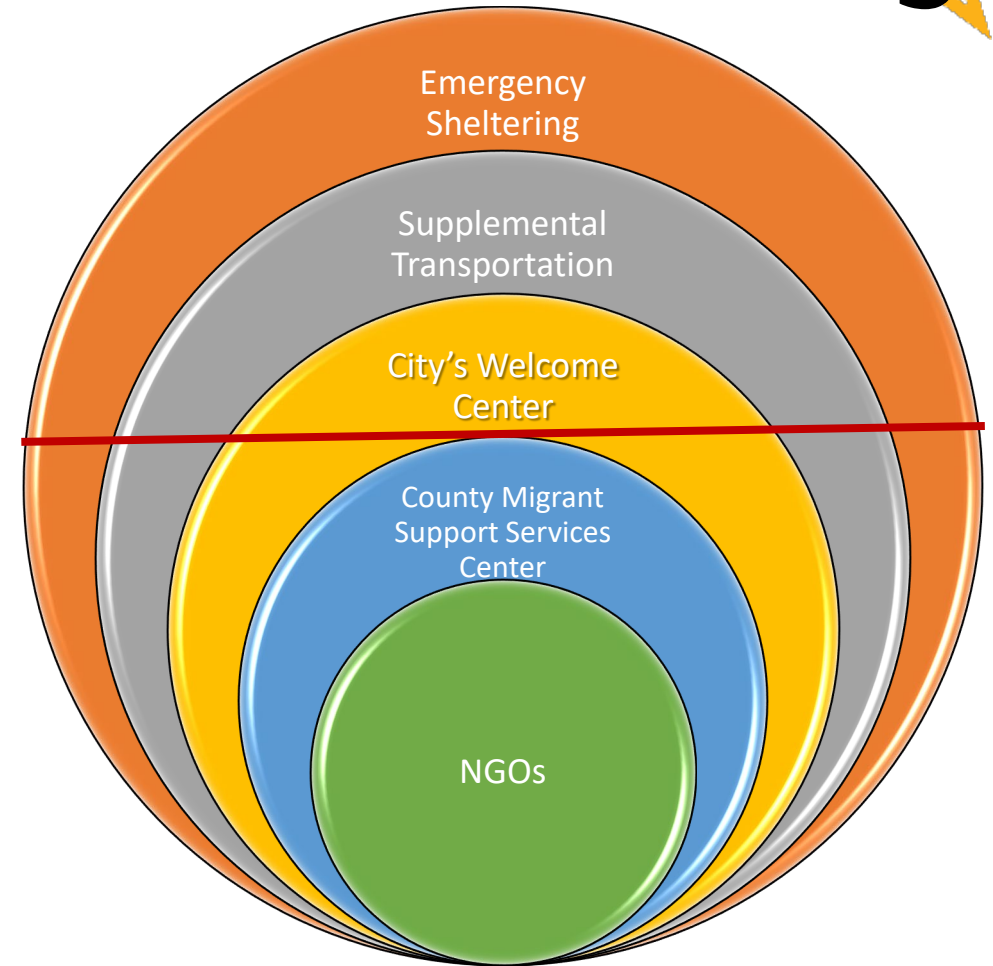
# 2022 Community Release Statistics



Month	Daily	Weekly	Month
April	230	2,200	7,200
May	300-400	2,400-2,700	11,500
June	200-400	2,000-2,900	8,834
July	200-250	1,500-2000	7,982
August	300-350	2,500	9,226
Sept	600-900	6,100+	21,610
Oct	300-1,200	3,600-6,800	21,832
Nov	600-1,000	5,400+	22,270



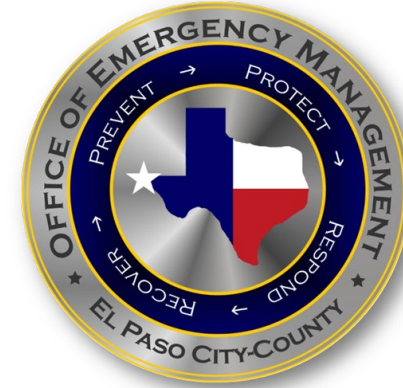
**Crisis Operations  
(OEM)  
vs  
Steady State  
(Office of New Americans &  
NGOs)**



# Migrant Crisis – T42 Incident Action Planning



1. Coordination
2. Sheltering
3. Transportation
4. Public Health
5. Healthcare System
6. Public Information
7. Security and Intelligence
8. Cost Recovery



# Cost Recovery



	Estimated Costs	Reimbursement Status	Total Pending reimbursement
1st Quarter (Jan - Mar)	\$157,821	\$157,122 Submitted on 5/05/22 Received on 9/22/22	Completed
2nd Quarter (Apr - Jun)	\$81,703	\$80,424 Submitted on 8/25/2022 Received on 9/21/2022	Completed
3rd Quarter (July - Sept)	\$5.13 million	Submitted on 11/4/2022	\$5.13 million
4 <sup>th</sup> Quarter (through Oct. 31)	\$4.11 million	\$2 million (received on 10/12)	\$2.11 million
Total	\$9.52 million	\$2,237,946	\$7.28 million

\*All costs provided are estimates until expenses have been finalized as part of a reimbursement application.

# Title 42 TIMELINE



November 15, 2022

- Judge strikes down Title 42 Pandemic Border Directive
- FED asks to defer ruling effect



December 21, 2022

- Order will go into effect



# Current Status

- Advanced Funding
- City Participation
- Continued collaboration



## Mission

Deliver exceptional services to support a high quality of life and place for our community



## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



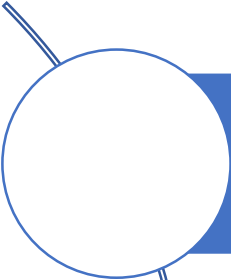
## Values

Integrity, Respect, Excellence, Accountability, People



# Take-away Information

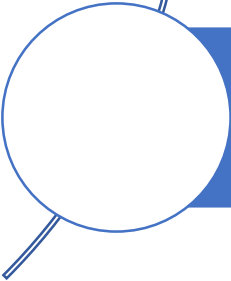
10 



The Court has ruled that the CDC's use of Title 42 COVID-19 related powers as a means of keeping individuals in Mexico must stop



On December 21, the ruling will officially take effect and permanently halt the Federal Government's use of and reliance on that policy



The Federal Government's ability to enforce immigration law via other means has not been impacted

# THE RULING

12

The court... concludes that the... Order is arbitrary and capricious due to the CDC's failure to acknowledge and explain its departure from past practice

But regardless of the CDC's conclusion, its decision to ignore the harm that could be caused by issuing its Title 42 orders was arbitrary and capricious

CDC did not justify its policy

Defendants have not shown that the risk of migrants spreading COVID-19 is a real problem

The public has a strong interest in "preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm."



Legislation Text

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File #: 22-1553, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Chief Mario D'Agostino, (915) 212-5605

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Discussion and action on an Emergency Ordinance extending Emergency Ordinance No. 019333 authorizing the City Manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**AGENDA DATE:** December 5, 2022  
**PUBLIC HEARING DATE:** December 5, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, DCM (915) 212-5605

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 2. Set the Standard for a Safe and Secure City  
**SUBGOAL:** 2.1 Maintain standing as one of the nation's top safest cities

**SUBJECT:**

Discussion and action on an emergency ordinance extending Emergency Ordinance No. 019333 authorizing the city manager to assign personnel and resources to assist in addressing the humanitarian and public safety crisis resulting from a mass migration through El Paso.

**BACKGROUND / DISCUSSION:**

Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019333 extending the Emergency Ordinance due the Humanitarian and Public Safety Crisis resulting from a Mass Migration through the City of El Paso as related to the removal of Title 42. Although Title 42 remains in effect at the present time, it is still subject to federal litigation. Furthermore, the CBP statistics show the dramatic increase in apprehensions in the El Paso sector. Additionally, migrants continue to be released leaving many vulnerable and in need of assistance. With the possibility of Title 42 ending abruptly, the City needs a plan in place with a surge of migrants that would exhaust our resources and leave many men, women, and children displaced.

**PRIOR COUNCIL ACTION:**

On May 23, 2022, the Mayor and City Council of the City of El Paso (the "City") passed an Emergency Ordinance No. 019333 "Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso"; and

**AMOUNT AND SOURCE OF FUNDING:**

None.

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?** ☒ YES ☐ NO

**PRIMARY DEPARTMENT:** Fire Department

**SECONDARY DEPARTMENT:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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*Mario M. D'Agostino*



ORDINANCE NO. \_\_\_\_\_

**AN EMERGENCY ORDINANCE EXTENDING EMERGENCY  
ORDINANCE NO. 019333 AUTHORIZING THE CITY MANAGER TO ASSIGN  
PERSONNEL AND RESOURCES TO ASSIST IN ADDRESSING THE  
HUMANITARIAN AND PUBLIC SAFETY CRISIS RESULTING FROM A MASS  
MIGRATION THROUGH EL PASO**

**WHEREAS**, on May 23, 2022, the Mayor and City Council of the City of El Paso (the “City”) passed an Emergency Ordinance No. 019333 “Authorizing the City Manager to Assign Personnel and Resources to Assist in Addressing the Humanitarian and Public Safety Crisis Resulting from a Mass Migration through the City of El Paso”; and

**WHEREAS**, thousands of migrants from Latin America have already gathered at or near the U.S.- Mexico border in hopes that President Biden will ease immigration restrictions that will make it easier to enter the United States; and

**WHEREAS**, on April 1, 2022, the Centers for Disease Control and Prevention (“CDC”) announced the repeal of the Public Health Services Act, 42 U.S.C. §265 (“Title 42”), which was expected to allow for the inflow of migrants from the southern border; and

**WHEREAS**, federal litigation ensued to enjoin the CDC from repealing Title 42 on the intended date of May 23, 2022; and

**WHEREAS**, on June 30, 2022, a United States Supreme Court ruling allowed the President to end the Migrant Protection Protocols, which would allow for the inflow of migrants from the southern border; and

**WHEREAS**, on November 15, 2022 a U.S. district court judge struck down Title 42 ending the directive; and

**WHEREAS**, Department of Homeland Security enforcement of Title 42 will continue through December 21, 2022; and

**WHEREAS**, the Southwest had 204,273 land border encounters in the month of October, 2022; and

**WHEREAS**, the El Paso sector of CBP had 58,284 land border encounters in the month of October, 2022 and a total of 53,284 encounters for federal fiscal year 2023; and

**WHEREAS**, when the City faced a migrant surge in March of 2019, the Annunciation House, a local non-governmental organization (“NGO”), was able to establish over thirty hospitality sites throughout the El Paso region, versus today’s fifteen hospitality sites; and

ORDINANCE NO. \_\_\_\_\_

22-1006-11694 / PL#1216244v.2

Emergency Ordinance – Dec. 2022 Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

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**WHEREAS**, the primary challenge is that the NGO does not have the volunteer base to sustain or increase current capacity at its current hospitality sites (ten in El Paso, Texas, three in Las Cruces, New Mexico, one in Deming, New Mexico, and another in Albuquerque, New Mexico); and

**WHEREAS**, although NGO volunteer recruitment efforts will continue, it is not anticipated that the volunteer base will keep up with the current demand, despite the NGO having identified additional facilities that could receive migrants; and

**WHEREAS**, when the U.S. Customs and Border Protection’s (“CBP”) Central Processing Center is over capacity and NGO space is unavailable, that is when the potential for street releases arises; and

**WHEREAS**, on May 15, 2022, the federal authorities released 119 single adults on the downtown streets of the City of El Paso; and

**WHEREAS**, in response to the May 15, 2022, street release, the El Paso City-County Office of Emergency Management (“OEM”) reallocated twenty-nine COVID-19 Operations staff to assist as migrant shelter surge staff, and on May 17, 2022, this staff began orientation training at Casa del Refugiado, the NGO’s largest hospitality site; and

**WHEREAS**, OEM has created a job specification, for general disaster operations to include humanitarian relief duties to hire and assign staff to assist with NGO capacity with over 40 staff currently assigned; and

**WHEREAS**, the El Paso City Charter Section 3.10, allows for the adoption of one or more emergency ordinances to meet a public emergency affecting life, health, property, or the public peace; and

**WHEREAS**, Section 121.003 of the Texas Health & Safety Code states that a municipality may enforce any law that is reasonably necessary to protect public health; and

**WHEREAS**, Section 122.006 of the Texas Health & Safety Code provides home-rule municipalities express authority to adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and

**WHEREAS**, OEM continues to provide COVID-19 isolation and quarantine hotel support to migrant shelters, expanding operations when outbreaks occur in congregate shelter facilities; and

**WHEREAS**, OEM has provided isolation and quarantine services to over 2,708 migrants

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in close coordination with NGOs since April 2020; and

**WHEREAS**, although Title 42 enforcement remains in place , the number of Border Patrol encounters remains high, averaging 1,500 per day; and

**WHEREAS**, beginning in late August 2022, the El Paso sector experienced a surge of over 2,000 migrants presenting themselves daily to CBP, primarily made up of unsponsored single adults from Venezuela, resulting in over 1,000 street releases by CBP; and

**WHEREAS**, due to this high volume, the number of refugees and asylum seekers released to the NGO and the City's Migrant Welcome Center, was over 1,000 on a daily basis; and

**WHEREAS**, on September 7, 2022, the City and OEM stood up a migrant Welcome Center to assist with transportation assistance providing services to over 19,300 migrants through October 20, 2022, and

**WHEREAS**, there was over 40,000 community releases to local NGOs and the City during this period; and

**WHEREAS**, the City's Welcome Center has sponsored 294 charter buses with 13,900 unsponsored migrants aboard to New York City and Chicago as final destinations; and

**WHEREAS**, Sun Metro buses have transported upwards of 4,800 migrants to the El Paso International Airport, bus stations, the Welcome Center, and shelters; and

**WHEREAS**, the City has provided over 39,000 meals to migrants at the local facilities, and for travel aboard the outbound charter buses; and

**WHEREAS**, October 12, 2022, the Department of Homeland Security created a humanitarian immigration pathway giving 24,000 Venezuelan migrants advanced authorization to enter and stay in the country for a period of two years; and

**WHEREAS**, although the number of Venezuelan migrants has dropped significantly since implementation of the DHS policy, the number of encounters at the border remains high averaging over 1,500 per day and the number of CPB/ICE community releases remains high at 300-600 releases on a daily basis; and

**WHEREAS**, with the repeal of Title 42, people of all nationalities will soon be able to declare asylum at our borders, and the number of asylum seekers is expected to dramatically increase; and

**WHEREAS**, the release of mass groups of people without access to potable water, food,

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or shelter exposes the migrants and El Paso residents to the origination and spread of potential and actual disease; and

**WHEREAS**, there are significant public safety and security concerns related to the wave of migration, including but not limited to the risk to injury or loss of life with migrants in El Paso streets with little or no resources on days that reach hot or cold temperatures and the inherent risks that come with increased demand on local shelters; and

**WHEREAS**, for these reasons, the City is faced with the imminent threat of widespread injury or loss of life resulting from a surge in transient migrants traveling to the region during an ongoing global pandemic; and

**WHEREAS**, there is the potential for loss of property for both residents and migrants due to those who would take financial advantage of this wave of migrants; and

**WHEREAS**, the City of El Paso is home to 4 of the 28 international ports of entry between Texas and Mexico; and

**WHEREAS**, based on mass migration events in the recent past, the City anticipates significant delays at the international ports-of-entry to include trade; and

**WHEREAS**, the potential encampment of large groups of migrants on City rights of way and parks poses safety risks to migrants and citizens alike; and

**WHEREAS**, in awaiting the due support of the federal government, the City finds that the expenditure of public funds for staff to coordinate resources and supplies, serve as shelter surge staff and transport migrants released in the City of El Paso accomplishes a valid public purpose of protecting public infrastructure, and protecting the health, safety and welfare of the citizens of El Paso; and

**WHEREAS**, in order to protect the health of persons in the municipality, the City Council wishes to continue to assist the local NGO with surge staff, coordination of resources and supplies, and transportation in light of the continued high number of community releases; and

**WHEREAS**, OEM and the City will continue to prepare and evaluate the need for mass emergency sheltering in anticipation of the eventual repeal of Title 42 and other regional migration surges that may impact the El Paso region; and

**WHEREAS**, this Ordinance shall remain in effect until otherwise terminated, re-enacted, or superseded by a conflicting ordinance, El Paso Local Health Authority Ordinance, or state or federal law.

**ORDINANCE NO.** \_\_\_\_\_

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Emergency Ordinance – Dec. 2022 Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

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

1. That the Emergency Ordinance No. 019333 passed and adopted by the City Council of the City of El Paso on May 23, 2022 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.

**PASSED AND ADOPTED, this \_\_\_\_ day of December, 2022.**


**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor


**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mario M. D'Agostino, Deputy City Manager  
Public Health & Safety

**ORDINANCE NO.** \_\_\_\_\_

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Emergency Ordinance – Dec. 2022 Extension – Migrant Wave Surge Staff with Resources & Supplies/KMN/JF/CLA

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Legislation Text

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File #: 22-1538, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

*Please choose District and Department from drop down menu. Please post exactly as example below.*

*No Title's, No emails. Please use ARIAL 10 Font.*

**All Districts**

City Manager's Office, Robert Cortinas, (915) 212-1067

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Presentation and discussion by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Robert Cortinas)
2. Key Considerations (Karla Nieman)
3. Team Lead Report:
  - a) Operations Overview (Laura Prine)
  - b) Research and comparative analysis (Kristen Hamilton-Karam, Ed Mc Donald)
4. Next Steps (Laura Prine)

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Manager's Office

**AGENDA DATE:** December 5, 2022

**CONTACT PERSON NAME AND PHONE NUMBER:** Robert Cortinas, Deputy City Manager/ Chief Financial Officer, (915) 212-1067

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** Goal 6: Set the Standard for Sound Governance and Fiscal Management

**SUBGOAL:** 6.8 Support transparent and inclusive government

**SUBJECT:**

Presentation and discussion by the Financing of Election Campaigns Cross-Functional Team providing information on key activities, efforts, and processes.

1. Overview (Robert Cortinas)
2. Key Considerations (Karla Nieman)
3. Team Lead Report:
  - a) Operations Overview (Laura Prine)
  - b) Research and comparative analysis (Kristen Hamilton-Karam, Ed Mc Donald)
4. Next Steps (Laura Prine)

**BACKGROUND / DISCUSSION:**

This Cross-Functional Team is comprised of multi-disciplinary teams focused on the continued planning, development and implementation of actions supporting key impact areas. Ongoing updates will be provided to share key information and key upcoming items.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

On October 11, 2022, City Council directed the City Manager and City Attorney to form a team to explore and develop a fair campaign elections ordinance following the submission of 3 proposed ordinances through an initiative petition.

**AMOUNT AND SOURCE OF FUNDING:**

No budgetary impact

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

# Financing of Election Campaigns Cross-Functional Team *Update*

12.05.2022



# What we will cover

- 1. Overview** (Robert Cortinas)
- 2. Key Considerations** (Karla Nieman)
- 3. Team Lead Reports:**
  - a. Operations Overview** (Laura Prine, Team Lead)
  - b. Research + Comparative Analysis** (Edward K. McDonald III, Kristen Karam-Hamilton and Karla Saenz)
- 4. Next Steps** (Laura Prine)

# 1. Overview

**Robert Cortinas**

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# City Council Action

## October 11, 2022

Direct the City Manager and City Attorney's office to create a cross-functional team to explore and develop a fair campaign elections ordinance that are within the legal parameters established by the federal, state, local laws and that are prescribed by the City of El Paso's strategic plan and present an update at a work session meeting for the first meeting in December 2022.



# Timeline

**November to  
December**

Research Best  
Practices and  
Requirements



**Beginning in Early  
2023**

Schedule and Host  
Stakeholder  
Roundtables



**Spring/Summer 2023**

Recommendations to  
Council



## 2. Key Considerations

Karla Nieman



# Legal Guidelines

## Campaign Contribution Limitations

- 1<sup>st</sup> Amendment to the U.S. Constitution protects campaign contributions (Association and Expression)
- Courts have allowed contribution limits to prevent quid pro quo corruption (intermediate scrutiny)
- Must have evidence that the City faces the problem of corruption
- Limitation shall not be too low, but must allow campaigns to be viable
- Strict scrutiny applies for limits on expenditures by candidates





# Legal Guidelines

## Public Financing

- Texas Constitution prohibits the use of public funds for private purpose
- Texas Elections Code prohibits officers from spending public funds on political advertising
- Even if funds other than the general fund, need a process that would not expend City resources

# **3. Team Lead Reports**

## **a) CFT Operations Overview**

**Laura Prine, Team Lead**

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# Core Team Members

- Karla Nieman (City Attorney's Office)
- Laura Prine (City Clerks)
- Laura Cruz-Acosta (Strategic Communications)
- Mark Weber (Community + Human Development)
- Kristen Karam-Hamilton and Karla Saenz (City Attorney's Office)
- Lindsey Adams (Economic Development)
- Edward K. McDonald III, Ed.D. (Enterprise Risk & Safety Office)
- Carlos Olmedo (International Bridges)
- Tammy Fonce (Strategic Communications)



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# Financing of Election Campaigns CFT

1. **Research requirements and best practices for ordinances similar to those prepared by the Fair Elections Initiative Petitioners**
  - **Proposition A:** Imposing campaign contribution limits and require disclosure of contributor's employer or place of employment
  - **Proposition B:** Establishment of public financing for candidates for those who voluntarily agree to limit their contributions and expenditures
  - **Proposition C:** Institute ranked choice voting so long as permitted by state law
2. **Identify main points regarding election opportunities across the various segments of the community**
3. **Determine the pros and cons of similar legislation enacted in other Texas cities**

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# Financing of Election Campaigns CFT

4. **Determine costs of City Council campaigns and balance contribution limits against needs to raise adequate funding by candidates.**
5. **Research to identify any quid pro quo corruption to justify any campaign contribution limitations that Council enacts.**
6. **Research and recommend enforcement processes and penalties to address violations of proposed ordinances.**
7. **Research which type of funds are legal under the State law for public campaign fund financing.**

# Team Organizational Chart

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**Robert Cortinas**

Executive Champion

**Laura Prine**

CFT Operations Team  
Lead

**Research + Comparative  
Analysis**

Edward K. McDonald III,  
Kristen Karam-Hamilton &  
Karla Saenz

**Campaign  
& Contribution Limit  
Comparison**

Lindsey Adams  
& Mark Weber

**Elections  
Cost Analysis**

Carlos Olmedo  
& Laura Prine

**Communication  
Focus**

Laura Cruz-Acosta  
& Tammy Fonce

# **3. Team Lead Reports**

## **b) Research and Comparative Analysis**

**Kristen Karam-Hamilton**  
**Edward K. McDonald III, Ed.D.**  
**Karla Saenz**

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# Approach

- Risk and benefit analysis of practices by other municipalities
- Research vulnerabilities and risks in City Council campaign and election finance in El Paso
- Determine if there is corruption or an appearance of corruption related to campaign contributions to Council members
- Comparative analysis – Study cities with campaign contributions limits or public financing
  - Learn why limits or financing were instituted
  - Learn how the programs are managed, enforced and the challenges and successes



# Cities with Campaign Financing rules

City	Population	Contribution Limits	Public Financing
Austin	964,177	\$300 (increased for inflation) per individual; \$1,000/committee	Yes – non general fund
Houston	2,288,250	\$5,000/individual \$10,000/committee	no
San Antonio	1,451,853	\$500/individual for Council, \$1,000 for mayor	no
Dallas	1,288,457	\$1,000/individual for Council, \$5,000 for presiding member	no
Portland, OR	641,162	\$508 individual and PAC; no limit on small donor committees	Yes

# 4. What's Next

Laura Prine

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# What's Next

- Research requirements and best practices of ordinances
- Schedule stakeholder roundtables
- CFT updates
- Recommendations to Council

## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Values

Integrity, **R**espect, **E**xcellence,  
**A**ccountability, **P**eople

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

A large, stylized orange star graphic is located on the left side of the slide. It is composed of several thick, angular lines that form a jagged, star-like shape.

# Thank you!