

Oscar Leaser  
Mayor

Tommy Gonzalez  
City Manager



CITY COUNCIL  
Peter Svarzbein, District 1  
Alexsandra Anello, 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

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

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**November 08, 2021  
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: 385-755-41#**

Notice is hereby given that a Work Session of the City Council of the City of El Paso will be conducted on November 8, 2021 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 the corresponding Conference ID: 385-755-41#**

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

<https://www.elpasotexas.gov/city-clerk/meetings/city-council-meetings>  
and  
[http://legacy.elpasotexas.gov/muni\\_clerk/Sign-Up-Form-Monday-Work-Session.php](http://legacy.elpasotexas.gov/muni_clerk/Sign-Up-Form-Monday-Work-Session.php)

**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. [21-1293](#)
  1. Overview (Tommy Gonzalez)
  2. City Attorney (Karla Nieman)
    - a) State Disaster Declarations
    - 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.)
  4. City Manager Wrap-up (Tommy Gonzalez)
2. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019035 extending a Disaster Declaration due to a Public Health Emergency. [21-1287](#)
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 penalty as provided in Section 8. [21-1290](#)
4. Discussion and action on an Emergency Ordinance re-enacting Emergency Ordinance No. 019241 Penalty as provided in Section 6. [21-1278](#)
5. Presentation and update from the El Paso Electric Company on its application with the Federal Energy Regulatory Commission to revise its Open Access Transmission Tariff. [21-1277](#)
6. Discussion and action to authorize District 2 City Representative Aleksandra Annello to attend Council meetings by video conference more than one regular meeting week in a row, on November 9, 2021 and the meeting week of November 22, 2021. [21-1295](#)
7. For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on October 21, 2021. [21-1303](#)
  1. Discussion and Action on FY 2020-2021 Audit Plan 4th Quarter Updates
    - Motion made by Representative Hernandez, seconded by Representative

Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 4th Quarter Update.

2. Discussion and Action on the FY 2021-2022 Annual Internal Audit Plan.

- Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to add the Street Resurfacing Audit to the FY 2021-2022 Annual Internal Audit Plan.

- Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido bring to approve the FY 2021-2022 Annual Internal Audit Plan.

3. Discussion on Client Surveys.

8. Discussion and action on the development of cost estimates for the Multi-Purpose Performing Arts and Entertainment Center (MPC) to be located in Downtown, and to direct the City Manager or designee to hire a consultant and execute all contracts and amendments to develop the following information: Project concept; partnership opportunity guidelines including public-private partnership specifications; and financial model to include estimate of capital costs and operating costs which is in compliance with all court rulings and legal decisions.

[21-1301](#)

## **EXECUTIVE SESSION**

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 |

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

**Discussion and action on the following:**

- EX1.** Max Grossman v. City of El Paso; 8th Court of Appeals, Case #08-19-00272-CV; Matter No. 17-1001-171.001.001 (551.071) [21-1283](#)
- EX2.** Morales, Fernando, et al. vs. City of El Paso, et al. Matter No. 19-1026-10584.001 (551.071) [21-1281](#)
- EX3.** Application of El Paso Electric Company for approval to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish cost caps, Public Utility Commission of Texas Docket No. 52081. Matter No. 21-1008-172 (551.071) [21-1288](#)
- EX4.** Application of El Paso Electric Company to Change rate to Open Access Transmission Tariff, Federal Energy Regulatory Commission (FERC) Docket No. ER22-282-000 Matter No. 21-1008-183 (551.071) [21-1305](#)
- EX5.** Request by Texas Gas Service Company, a division of ONE Gas, Inc., for Recovery of Extraordinary Costs Incurred during the 2021 Winter Storm Uri and Mitigate Future Costs, Texas Railroad Commission Docket No. 00007069, Matter No. 20-1008-147 (551.071) [21-1289](#)
- EX6.** Economic Incentives for a Nonprofit Business Incubator to be located in the City of El Paso. Matter No. 19-1007-2514 (551.071) (551.087) [21-1291](#)
- EX7.** Economic Incentives for an Infill Development located in the City of El Paso. Matter No. 21-1007-2802 (551.087) [21-1292](#)

## **ADJOURN**

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

If you need Spanish Interpreter Services, you must email [CityClerk@elpasotexas.gov](mailto:CityClerk@elpasotexas.gov) at least 48 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 #: 21-1293, 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, Cary Westin, (915) 212-1063

**AGENDA LANGUAGE:**

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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 (Karla Nieman)
  - a) State Disaster Declarations
  - b) Emergency Ordinances
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CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Manager's Office

AGENDA DATE: November 8, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Senior Deputy City Manager, Cary Westin  
(915) 212-1063

DISTRICT(S) AFFECTED: All Districts

**SUBJECT:**

Presentation and discussion by the COVID-19 Response + Recovery Cross-Functional Team providing information on key activities, efforts, and processes.

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**BACKGROUND / DISCUSSION:**

The COVID-19 Response + Recovery Cross-Functional Team is comprised of ten 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

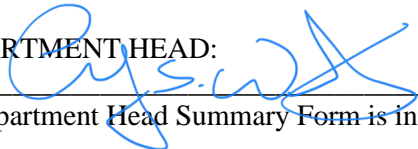
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**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:

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

# **COVID-19 Response + Recovery**

***Cross-Functional Team Update***

**11.8.21**

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# 1. Overview

Tommy Gonzalez



# 2. City Attorney Overview

November 8, 2021

## Overview

1. State Disaster Declarations
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

Karla Nieman

# State Disaster Declarations



\*Anticipate Governor Abbott will renew his Disaster Declaration between November 26<sup>th</sup>-27<sup>th</sup> .

# Emergency Ordinances

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



# Greg Abbott v. City of El Paso

## ❖ September 30, 2021:

- ❖ 8<sup>th</sup> Court of Appeals denied City's request to keep Temporary Injunction in place
- ❖ City's Mask Mandate paused to keep status quo

## ❖ October 5, 2021:

- ❖ City submitted reply brief

## ❖ October 12, 2021:

- ❖ Governor's reply brief filed
- ❖ Case will return to CC7 for trial
- ❖ Amount of time spent on lawsuit: 395 hours

## ❖ November 12, 2021

- ❖ 8<sup>th</sup> Court of Appeals will render opinion on Governor's appeal

# Statewide Mask Mandate Litigation

## Temporary Injunction Phase

All mask mandates are  
stayed

- City of San Antonio & Bexar County - 4<sup>th</sup> COA
- Dallas County - 5<sup>th</sup> COA
- Fort Bend County - 1<sup>st</sup> COA

- La Joya ISD, et. al (Travis County) - 3<sup>rd</sup> COA
- Harris County - 3<sup>rd</sup> COA

# Additional Updates – Land Ports of Entry Travel Restrictions

March 24, 2020

DHS published notice to temporarily limit the travel of individuals from Mexico at land ports along the U.S.-Mexico Border to only “essential travel” due to the COVID-19 pandemic

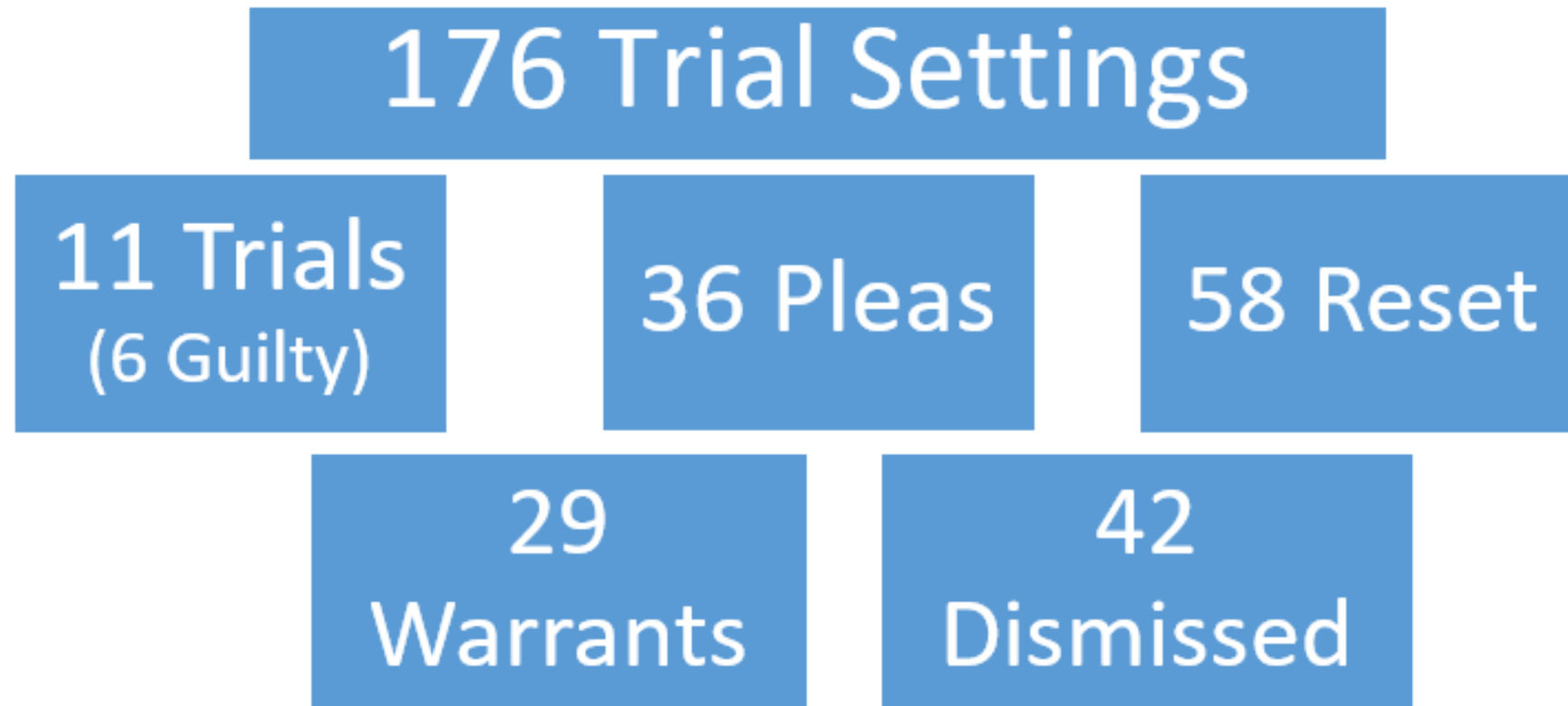


November 8, \*2021

DHS new requirements allowing fully vaccinated non-citizen travelers to enter U.S. through land border for non-essential reason (i.e. tourism), with proof of COVID-19 vaccination status

# Additional Updates – COVID-19 Prosecution Update

**Trial Settings on COVID-19 Citations through 11/3/2021 in all 5 Municipal Courts**



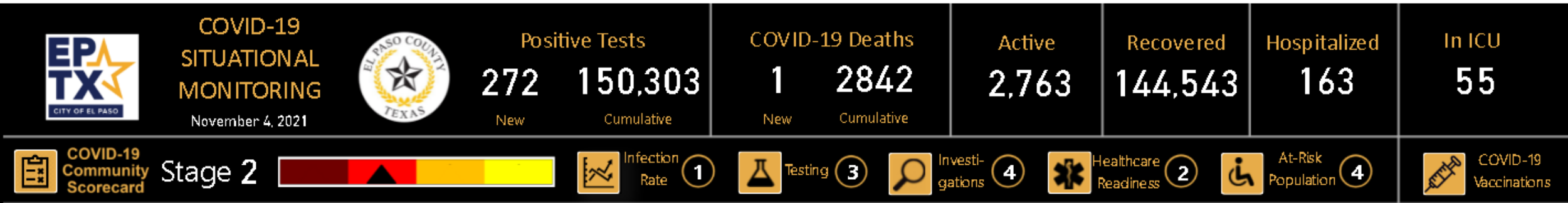


# 3. Team Lead Report

# a. Health Focus

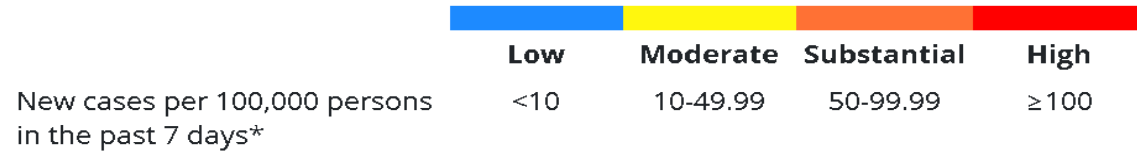
Hector I. Ocaranza, M.D.

# COVID-19 Summary

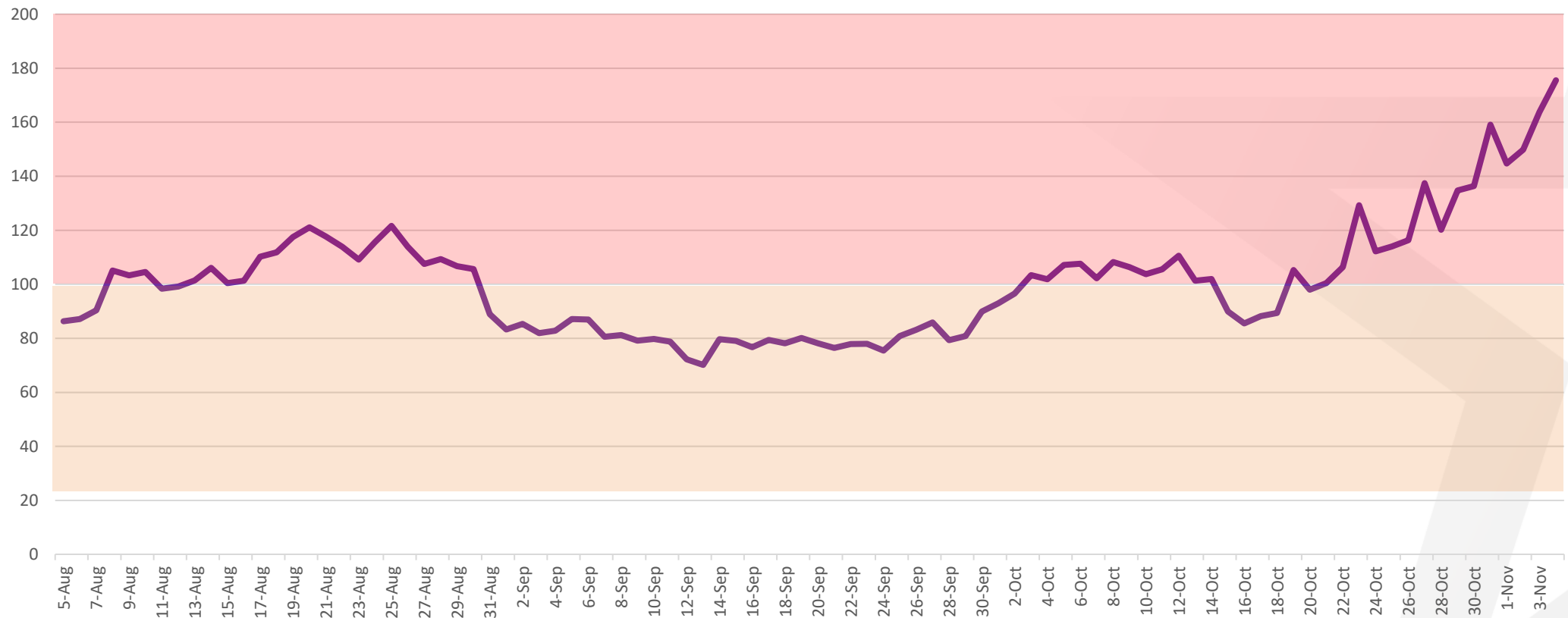


- ❖ New Cases per 100,000 is in a steeper uphill climb within High Community Transmission
- ❖ New Cases per capita have increased  $\approx 68\%$  in 4 weeks
- ❖ Upward trend of new cases continues, with younger demographic groups leading those cases
- ❖ Testing demand is low but expected to increase
- ❖ Influenza have also seen increased activity

# Level of Community Transmission



New Cases per 100,000 over last 7 days





# COVID-19 Summary

- ❖ Hospitalizations increasing (+25%) and driven by unvaccinated
- ❖ We have fully vaccinated over 77% of eligible population
- ❖ Pandemic is still driven by the unvaccinated
- ❖ We STRONGLY continue recommending practicing prevention with vaccination and non-pharmacological interventions
- ❖ Vaccination of children 5-11 years of age has begun after FDA approval and CDC recommendation

# Vaccination of Children 5-11 years

- Pfizer vaccine is the only vaccine currently approved under EUA to be used on children 5-11 years of age.
- Vaccine contains 1/3 of antigen compared to other formulation
- Effectiveness comparable to protection shown on 16-23 years old (90.7%)
- Safety: Well tolerated by children in trials, most common reactions similar to teenagers and are mild to moderate.
- Reactions more common 24-48 hrs after second dose and may last 1-2 days
- No cases of myocarditis reported through follow up period after second dose (≈3 months)



# Educational Forums

## COVID-19 Vaccine Safety

The City of El Paso Department of Public Health (DPH) invites you to a virtual Community Forum on vaccine safety for children, pregnant and breastfeeding women, people with underlying medical conditions, booster shots and third doses.

Join us and you will have an opportunity to receive free movie tickets!!

**Wed, Nov 10 | 6:30PM - 7:30PM**

### Panelists + Agenda:

- COVID-19 Strains, Variants and Vaccines – Dr. Glenn Fennelly, Pediatric Infectious Disease Specialist
- Vaccine safety in children 5 years of age and older – Dr. Hector Ocaranza, Pediatrician
- Vaccine safety in pregnant women – Dr. Joel Hendryx, OBGYN
- Vaccine confidence in boosters and third doses - Dr. Juan Perez, Family Practice

Join on the meeting on your computer or mobile app with the Microsoft Teams application. Or call in (audio only):

Link: [bit.ly/3q0dGij](https://bit.ly/3q0dGij) • (915) 212-4096 • Phone Conf. ID: 896 928 939#

For more COVID-19 information to include testing, vaccination, data and prevention, visit [www.epstrong.org](http://www.epstrong.org)

**PROTECT  
OUR LIVES**  
VACCINATE WITH CONFIDENCE



## La Seguridad de la Vacuna para el COVID-19

El Departamento de Salud Pública de la Ciudad de El Paso (DPH) lo invita a un Foro Comunitario virtual sobre la seguridad de las vacunas para niños, mujeres embarazadas y lactantes, personas con afecciones médicas subyacentes, vacunas de refuerzo y terceras dosis.

¡Únase a nosotros y tendrá la oportunidad de recibir entradas para el cine gratis!

**Jueves 11 de noviembre | 6:30PM - 7:30PM**

### Panelistas + Agenda:

- Cepas, Variantes y Vacunas contra el COVID-19 – Dr. Glenn Fennelly, Especialista en Enfermedades Infecciosas en Niños
- Seguridad de la vacuna en niños de 5 años en adelante – Dr. Ocaranza, Pediatra
- Seguridad de la vacuna en mujeres embarazadas – Dr. Villareal, Obstetra
- Confianza en la tercera dosis y vacunas de refuerzo – Dr. Juan Perez, Medicina Familiar

Descargue la aplicación gratuita de Microsoft Teams y únase a la reunión en su computadora o aplicación móvil haciendo clic en este enlace. O llame (solo audio):

Enlace: <https://bit.ly/3q0dGij> • (915) 212-4096 • ID de conferencia telefónica: 561 293 959#

Para obtener más información sobre COVID-19 que incluya pruebas, vacunación, datos y prevención, visite [www.epstrong.org](http://www.epstrong.org)

**PROTECT  
OUR LIVES**  
VACCINATE WITH CONFIDENCE



# Non-Essential Travel

## Accepted COVID-19 Vaccines

|               | Vaccines Approved or Authorized by the U.S. Food and Drug Administration           | Vaccines Listed for Emergency Use (EUL) by the World Health Organization   |
|---------------|--|--|
| Single dose   | <ul style="list-style-type: none"> <li>Janssen/J&amp;J</li> </ul>                  | <ul style="list-style-type: none"> <li>Janssen/J&amp;J</li> </ul>  |
| 2-dose series | <ul style="list-style-type: none"> <li>Pfizer-BioNTech</li> <li>Moderna</li> </ul> | <ul style="list-style-type: none"> <li>Pfizer-BioNTech</li> <li>Moderna</li> <li>AstraZeneca</li> <li>Covishield</li> <li>BIBP/Sinopharm</li> <li>Sinovac</li> </ul> |

# Non-Essential Travel

## Acceptable Proof of COVID-19 Vaccination

| Documentation Type                    | Examples  |
|---------------------------------------|---|
| Verifiable records (digital or paper) | Vaccination certificate with QR code <sup>1</sup> , digital pass via Smartphone application with QR code <sup>1</sup> (e.g., United Kingdom National Health Service COVID Pass, European Union Digital COVID Certificate)   |
| Non-verifiable paper records          | Printout of COVID-19 vaccination record or a COVID-19 vaccination certificate issued at national or subnational level or by an authorized vaccine provider (e.g., the CDC vaccination card)   |
| Non-verifiable digital records        | Digital photos of vaccination card or record, downloaded vaccine record or vaccination certificate from official source (e.g., public health agency, government agency, or other authorized vaccine provider), or a mobile phone application without QR code <sup>1</sup> |



# 4. City Manager Wrap-up

Tommy Gonzalez

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# Thank you!



Legislation Text

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**File #:** 21-1287, **Version:** 2

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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**

Fire, Mario M. D'Agostino, (915) 212-5605

**AGENDA LANGUAGE:**

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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:** November 8, 2021  
**PUBLIC HEARING DATE:** November 8, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Mario M. D'Agostino, Fire Chief (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. 019239 which re-enacts Emergency Ordinance No. 019035 is set to expire on November 10, 2021.

**PRIOR COUNCIL ACTION:**

Since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on October 11, 2021.

**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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**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 October 11, 2021; and

**WHEREAS**, as of October 28, 2021, the number of COVID-19 active cases in El Paso is over 2,183; 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. 019239 which re-enacts Emergency Ordinance No. 019035 is set to expire on November 10, 2021; and

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

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

20-1052-1069/PL#1130663\_2/KMN/JF/KM/Emergency Ordinance Re-enacting Ord. No. 019035 -  
Extending Disaster Declaration – November 8, 2021

**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 November 2021.**

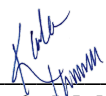
**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leoser  
Mayor


**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Mario M. D'Agostino, Fire Chief  
El Paso Fire Department

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

20-1052-1069/PL#1130663\_2/KMN/JF/KM/Emergency Ordinance Re-enacting Ord. No. 019035 -  
Extending Disaster Declaration – November 8, 2021



Legislation Text

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File #: 21-1290, Version: 3

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**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 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, 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 October 11, 2021.

**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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**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 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 October 11, 2021; 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, 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, and 019191, 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, 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 November, 2021.**


**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, Fire Chief  
El Paso Fire Department

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



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 21-1278, **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 Penalty as provided in Section 6.



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

**AGENDA DATE:** Nov 8, 2021  
**PUBLIC HEARING DATE:** N/A (Work Session)

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Sam Rodriguez, P.E., City Engineer, 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; 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 08/06/2021

December 14, 2020, January 5, 2021, February 1, 2021, March 1, 2021, March 29, 2021, April 26, 2021, May 24, 2021, June 21, 2021, July 19, 2021, August 16, 2021, El Paso City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091.

October 11, 2021, El Paso City Council adopted Emergency Ordinance No. 019241, 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.


**AMOUNT AND SOURCE OF FUNDING:**  
N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?   X   YES        NO**

**PRIMARY DEPARTMENT: Capital Improvement Department**  
**SECONDARY DEPARTMENT: Streets and Maintenance, Planning and Inspections**

---

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

**DEPARTMENT HEAD:** 

---

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

**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 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 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**, a disaster continues to exist and requires that certain emergency measures be taken to meet a public emergency affecting life, health, property or the public peace; and

**WHEREAS**, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until December 8, 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.

**ORDINANCE NO.** \_\_\_\_\_  
20-1052-1069 | 1131076

Re-enactment of Emergency Ordinance No. 019241 Rights of Way  
KMN - JSG

**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 \_\_\_\_\_, 2021.


**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:**

  
\_\_\_\_\_  
Sam Rodriguez, P.E  
City Engineer



## 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.

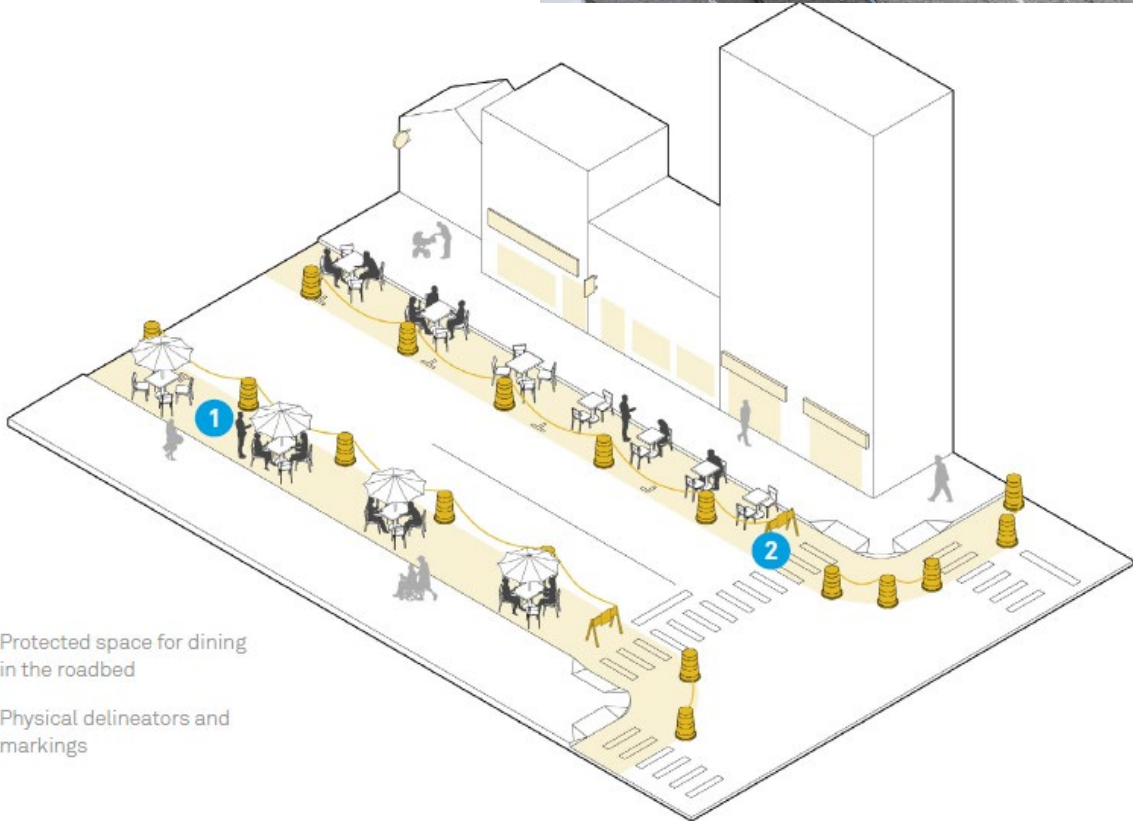




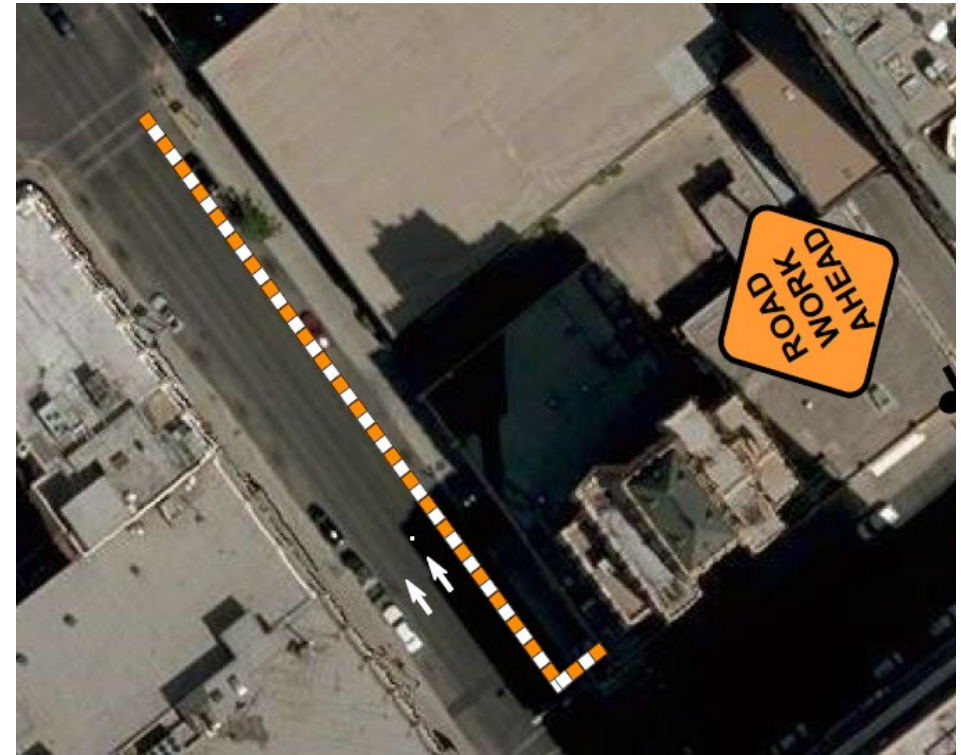


# Prototypes

## Prototype 1: ROW Cafe



- 1 Protected space for dining in the roadbed
- 2 Physical delineators and markings





# R.O.W Cafe:

Stanton; between Mills and Texas

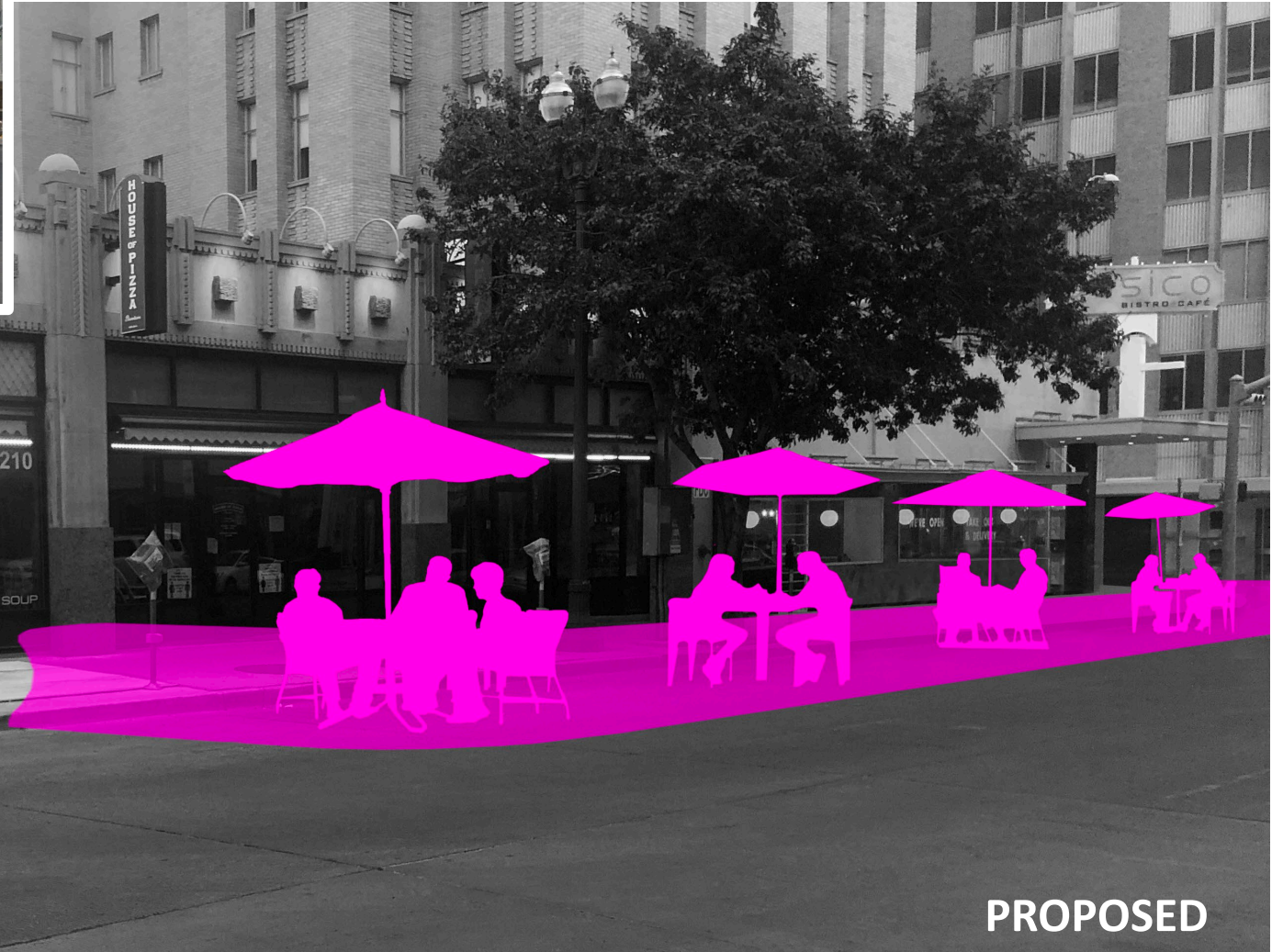
- Street lane closed off to serve as space for outdoor seating
  - Deployed by Streets & Maintenance on Nov. 30<sup>th</sup> and removed during the week of January 25<sup>th</sup>







EXISTING

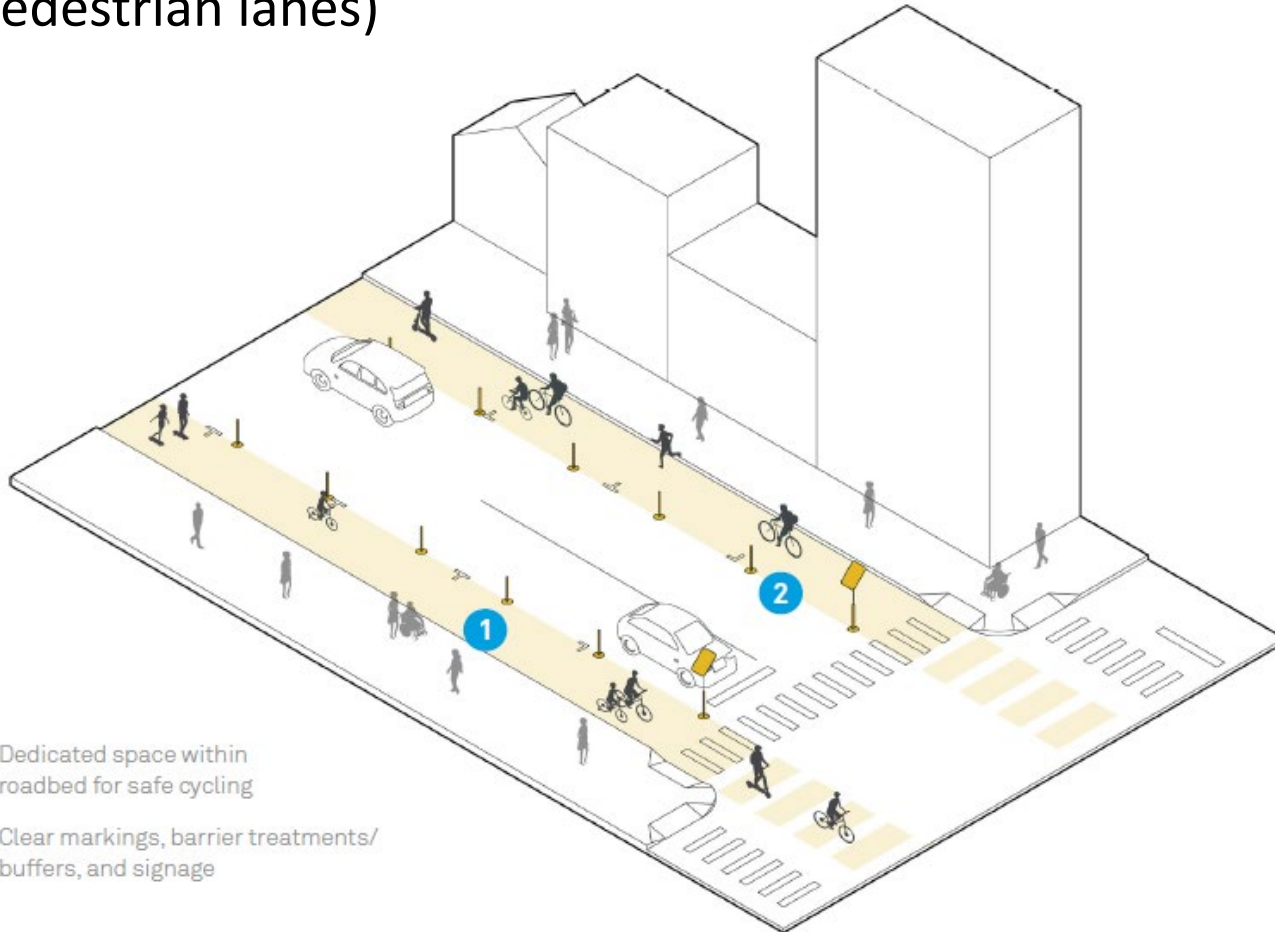


PROPOSED



# Prototypes

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



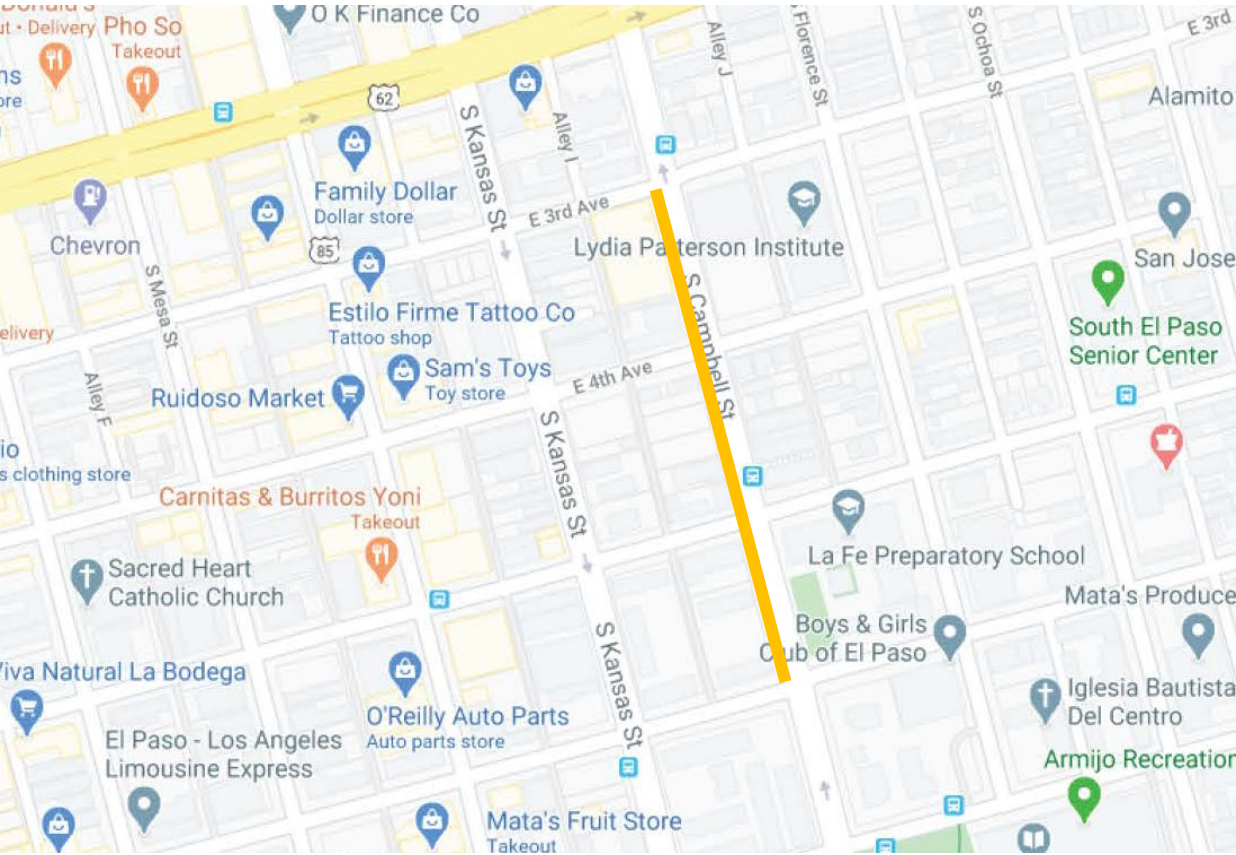
- 1 Dedicated space within roadbed for safe cycling
- 2 Clear markings, barrier treatments/ buffers, and signage





# 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>





EXISTING



PROPOSED

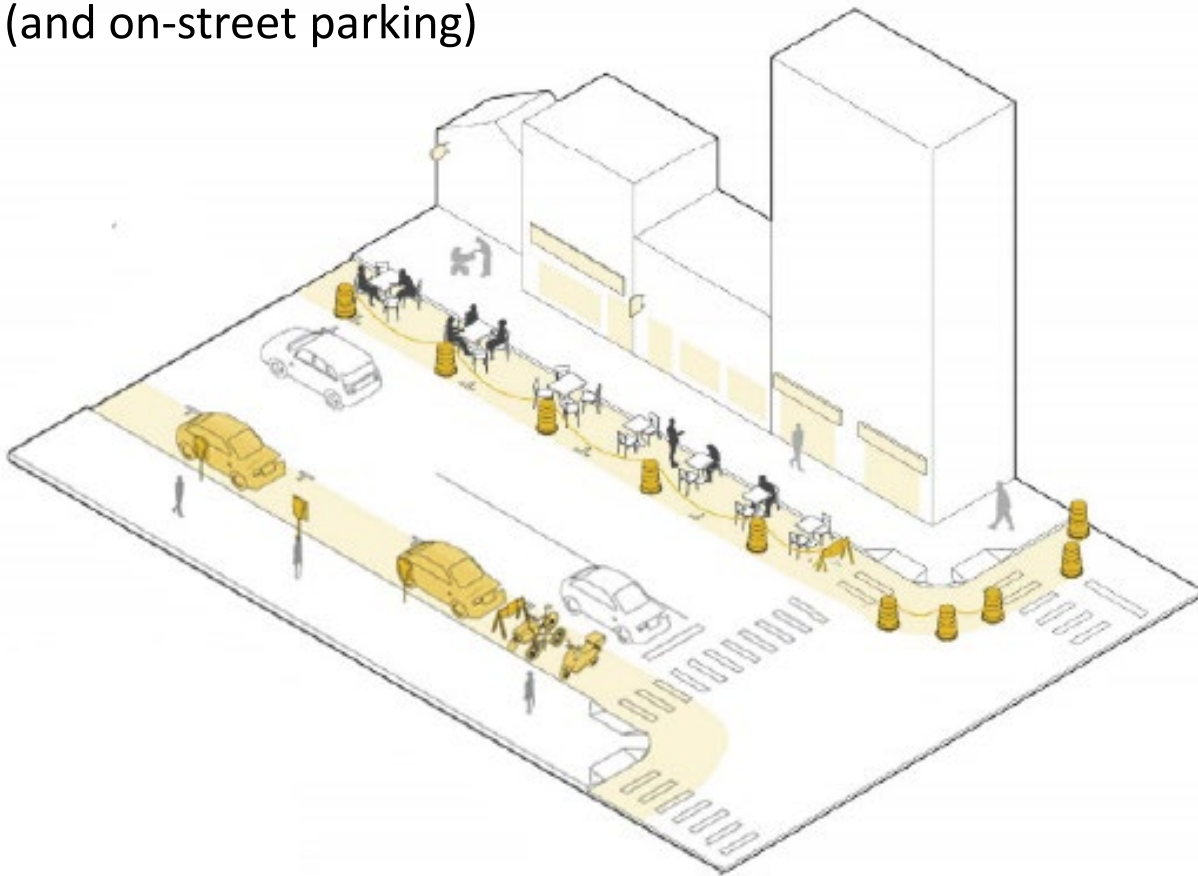






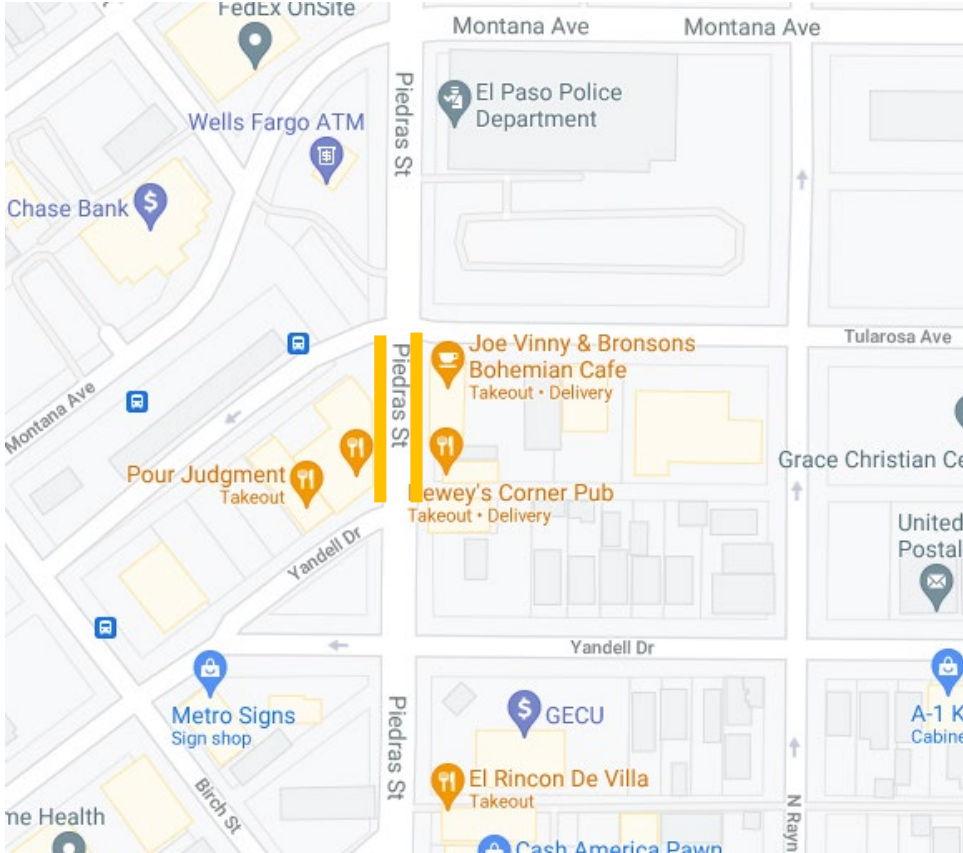
# Prototypes

## 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>







*\*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)



EXISTING



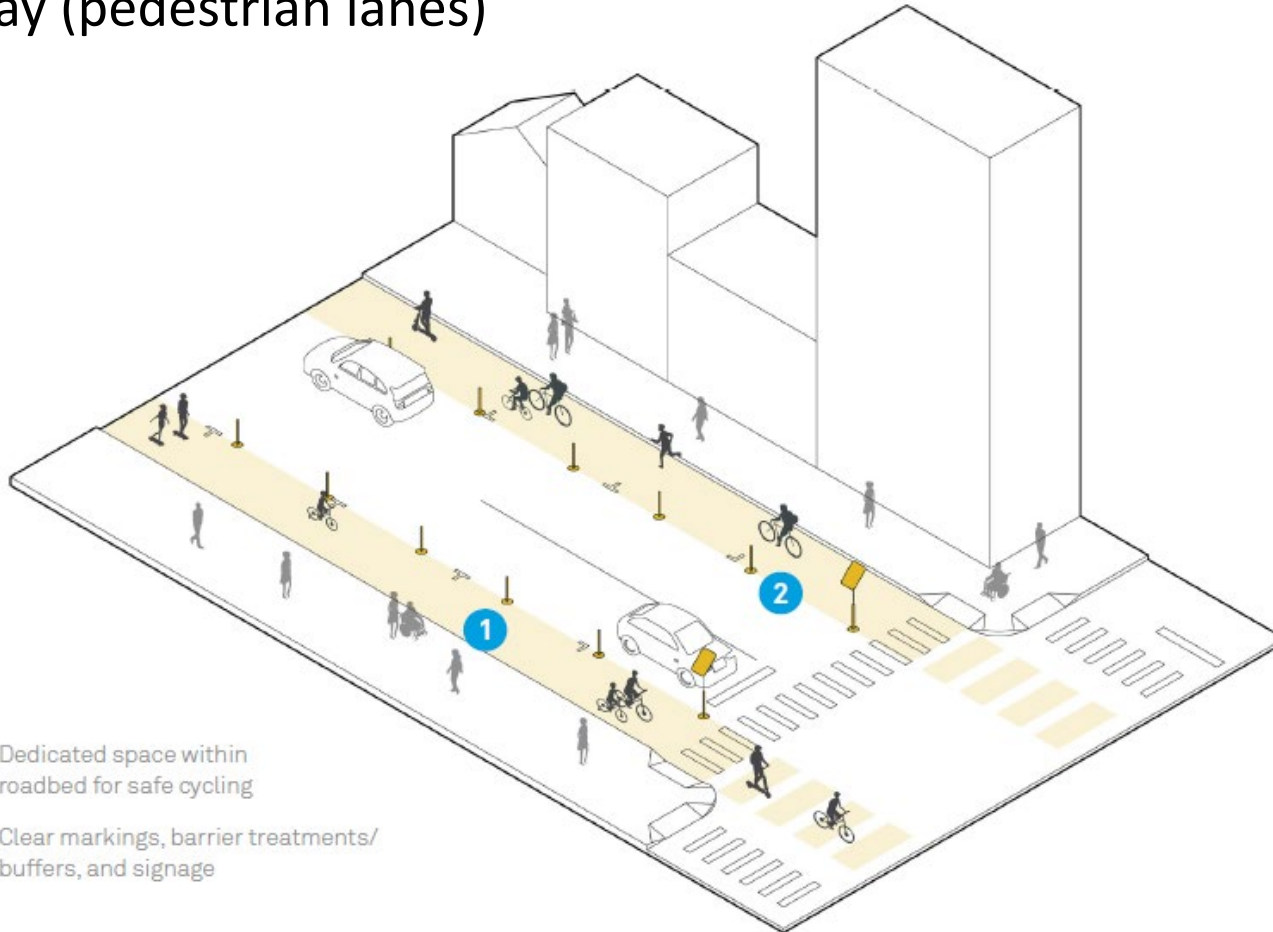
PROPOSED

*\*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)

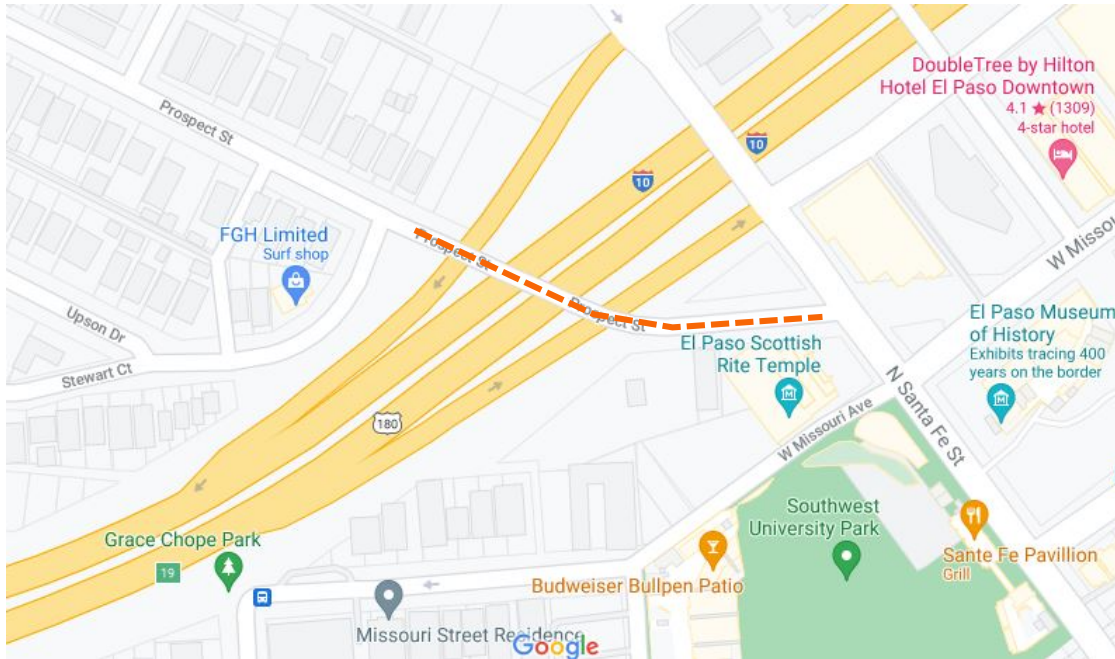


- 1 Dedicated space within roadbed for safe cycling
- 2 Clear markings, barrier treatments/buffers, and signage

# 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>

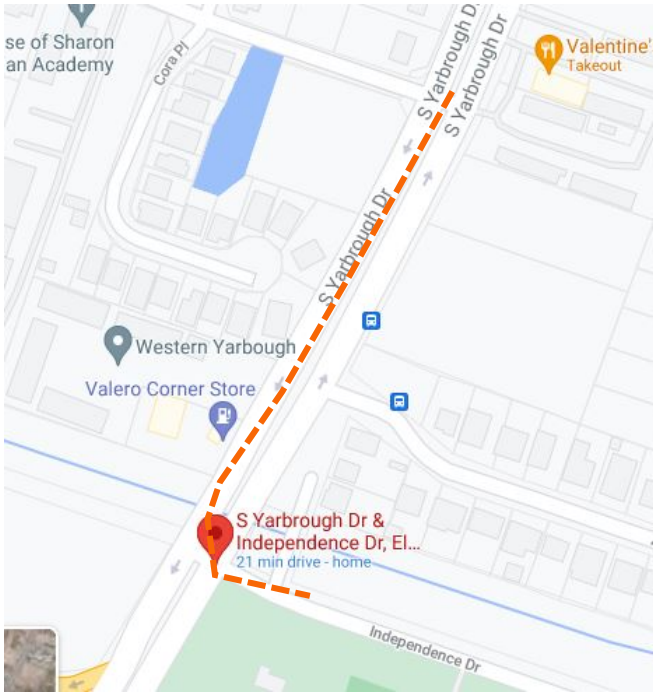




# Ped-Way:

Yarborough; between Mansfield Ave. and Independence Dr.

- 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

**CITY OF EL PASO** City of El Paso Homepage

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**Attention:** Due to problems when uploading documents, the recommended browser is Internet Explorer 10 or greater.

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Choose one of the following available record types. For assistance or to apply for a record type not listed below please contact us.

Search

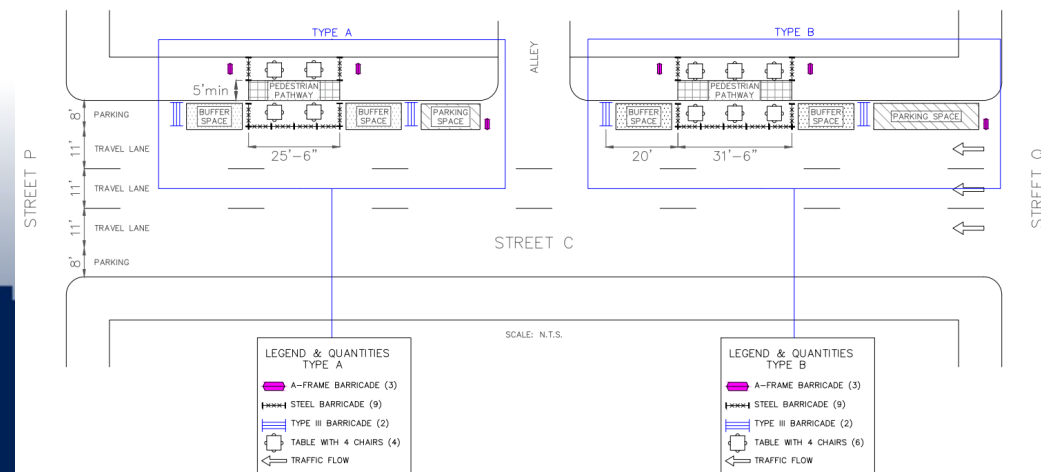
City  
Safe Streets  
City/Permit/Sun City Safe Streets/NA

Continue Application >



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

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## 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 #: 21-1277, 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**

Economic and International Development, Elizabeth Triggs, (915) 212-1619

**AGENDA LANGUAGE:**

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

Presentation and update from the El Paso Electric Company on its application with the Federal Energy Regulatory Commission to revise its Open Access Transmission Tariff.

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

**AGENDA DATE:** November 8, 2021

**PUBLIC HEARING DATE:** N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Elizabeth Triggs, Interim Director, 212-1619

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

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

**SUBGOAL:** 6.8 Implement leading-edge practices for achieving quality and performance excellence

**SUBJECT:**

Presentation and update from the El Paso Electric Company on its application with the Federal Energy Regulatory Commission to revise its Open Access Transmission Tariff.

**BACKGROUND / DISCUSSION:**

Pursuant to section 205 of the Federal Power Act ("FPA"), section 35.13 of the Federal Energy Regulatory Commission's ("FERC") regulations, and Order No. 714, El Paso Electric ("EPE") has submitted for filing revisions to its Open Access Transmission Tariff ("OATT"). These revisions include a formula rate template and implementation protocols to determine and recover the costs of EPE's investment in transmission lines. EPE will provide City Council and the public an overview of its filing, the purpose of the filing and the impact to its Texas Service Territory customers during this agenda item, and ahead of the November 19<sup>th</sup> deadline to intervene.

**PRIOR COUNCIL ACTION:**

Not applicable

**AMOUNT AND SOURCE OF FUNDING:**

Not applicable

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**   X   YES      NO

**PRIMARY DEPARTMENT:** City Manager's Office

**SECONDARY DEPARTMENT:** City Attorney's Office

---

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

**DEPARTMENT HEAD:** Elizabeth Triggs, Interim Director, Economic & International Development



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



# 2021 Federal Rate Case



# El Paso Electric Service Territory



# Overview of the Federal Rate Case

## What is it?

- EPE filed a rate case with the Federal Energy Regulatory Commission (FERC) on 10/29/21 to update the rates charged to wholesale transmission customers

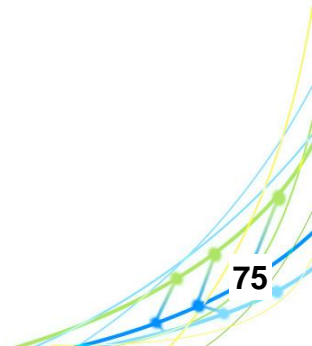
## About Wholesale Customers

- Customers who use our transmission lines to move power outside of EPE's territory
- Wholesale customers **are not “retail” customers (e.g., residential customers or small-business owners)**
- Examples of some of our wholesale customers include other electric utilities

**FERC does not establish rates for retail customers**

# Circumstances leading to a request to change Transmission Rates

- Transmission rates have not been changed since 1998
- Transmission Capital Investments to Maintain Reliability
  - Significant transmission investments since last rate case
  - Significant transmission investments are needed to continue to maintain system reliability
- The effort of developing and finalizing the transmission rate case filing took several years to complete
- Proposing to implement transmission formula rate rather than existing set rate



# Formula Rate vs Set Rate

- A formula rate will allow EPE to more timely and accurately recover its cost of providing transmission service to wholesale customers
- Formula Rate will update annually and thus remove need for another rate case
- Wholesale customers and other interested parties are allowed to annually review, compare, and contest if necessary
- FERC can modify formula if they see an issue



# Thank You



Legislation Text

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**File #:** 21-1295, **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.*

**District 2**

Members of the City Council, Representative Alessandra Annello, (915) 212-0002

**AGENDA LANGUAGE:**

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

Discussion and action to authorize District 2 City Representative Alessandra Annello to attend Council meetings by video conference more than one regular meeting week in a row, on November 9, 2021 and the meeting week of November 22, 2021.



Legislation Text

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File #: 21-1303, 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**

Members of the City Council, Representative Henry Rivera, (915) 212-0007

**AGENDA LANGUAGE:**

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

For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on October 21, 2021.

1. Discussion and Action on FY 2020-2021 Audit Plan 4<sup>th</sup> Quarter Updates

- Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 4<sup>th</sup> Quarter Update.

2. Discussion and Action on the FY 2021-2022 Annual Internal Audit Plan.

- Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to add the Street Resurfacing Audit to the FY 2021-2022 Annual Internal Audit Plan.
- Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido bring to approve the FY 2021-2022 Annual Internal Audit Plan.

3. Discussion on Client Surveys.



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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** November 8, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** City Rep Henry Rivera, District 7- 915.212.0007

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

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

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

For Notation Only: Formal Report of the Financial Oversight and Audit Committee meeting held on October 21, 2021.

1. Discussion and Action on FY 2020-2021 Audit Plan 4th Quarter Updates
  - Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to accept the 4th Quarter Update.
2. Discussion and Action on the FY2021-2022 Annual Internal Audit Plan
  - Motion made by Representative Hernandez, seconded by Representative Lizarraga and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido add the Street Resurfacing Audit to the FY 2021-2022 Annual Internal Audit Plan.
  - Motion made by Representative Hernandez, seconded by Representative Salcido and approved by Representative Rivera, Representative Hernandez, Representative Lizarraga and Representative Salcido to bring to approve the FY 2021-2022 Annual Internal Audit Plan.
3. Discussion on Client Surveys.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?** This item is to brief Council on the 4<sup>th</sup> Quarter FOAC Meeting.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?** Yes, Council gets briefed after every FOAC Meeting.

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? N/A Has the item been budgeted? N/A If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A**

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



Legislation Text

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File #: 21-1301, 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**

Members of the City Council, Representative Isabel Salcido, (915) 212-0005

Members of the City Council, Representative Henry Rivera, (915) 212-0007

Members of the City Council, Representative Cassandra Hernandez, (915) 212-0003

**AGENDA LANGUAGE:**

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

Discussion and action on the development of cost estimates for the Multi-Purpose Performing Arts and Entertainment Center (MPC) to be located in Downtown, and to direct the City Manager or designee to hire a consultant and execute all contracts and amendments to develop the following information: Project concept; partnership opportunity guidelines including public-private partnership specifications; and financial model to include estimate of capital costs and operating costs which is in compliance with all court rulings and legal decisions.

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

**DEPARTMENT:** Mayor and Council

**AGENDA DATE:** 11/08/2021 (Work Session)

**CONTACT PERSON NAME AND PHONE NUMBER:**

Rep. Isabel Salcido, 915-212-0005

Rep. Henry Rivera, 915-212-0007

Rep. Cassandra Hernandez, 915-212-0003

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:**

Goal 6 - Set the Standard for Sound Governance and Fiscal Management

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action on the development of cost estimates for the Multi-Purpose Performing Arts and Entertainment Center (MPC) to be located in Downtown, and to direct the City Manager or designee to hire a consultant and execute all contracts and amendments to develop the following information: Project concept; partnership opportunity guidelines including public-private partnership specifications; and financial model to include estimate of capital costs and operating costs which is in compliance with all court rulings and legal decisions.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

This is a straightforward item that provides a clear structure and direction to obtain professional, properly researched estimates for capital and operating costs for the voter-approved bond project known as the Multi-Purpose Performing Arts and Entertainment Center (MPC). The end product requested here will provide a true estimate and ultimately a bona fide pathway to construction of the MPC project.

**PRIOR COUNCIL ACTION:**

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

Yes; Regular City Council Meeting on October 26, 2021, Item #22: *Discussion and action to direct the City Manager and staff to come back at the November 23, 2021 City Council meeting with an estimate of how much the Multipurpose Performing Arts and Entertainment Center (MPC) project would cost if it were executed today.*

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

Appropriate funding source to be determined by City staff.

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



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 21-1283, 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.*

City Attorney's Office, Karla M. Nieman, (915) 212-0033

#### **AGENDA LANGUAGE:**

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

Max Grossman v. City of El Paso; 8th Court of Appeals, Case #08-19-00272-CV; Matter No. 17-1001-171.001.001 (551.071)





El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #: 21-1281, Version: 1**

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

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City Attorney's Office, Evan Reed, (915) 212-0033

#### **AGENDA LANGUAGE:**

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Morales, Fernando, et al. vs. City of El Paso, et al. Matter No. 19-1026-10584.001 (551.071)



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 21-1288, **Version:** 1

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

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

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City Attorney's Office, Frances Engelbaum, (915) 212-0033

#### **AGENDA LANGUAGE:**

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

Application of El Paso Electric Company for approval to revise its Energy Efficiency Cost Recovery Factor (EECRF) and to request to establish cost caps, Public Utility Commission of Texas Docket No. 52081. Matter No. 21-1008-172 (551.071)



Legislation Text

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**File #: 21-1305, Version: 1**

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

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City Attorney's Office, Karla M. Nieman (915) 212-0033

City Attorney's Office, Frances M. Engelbaum, (915) 212-0033

**AGENDA LANGUAGE:**

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

Application of El Paso Electric Company to Change rate to Open Access Transmission Tariff, Federal Energy Regulatory Commission (FERC) Docket No. ER22-282-000 Matter No. 21-1008-183 (551.071)



Legislation Text

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**File #:** 21-1289, **Version:** 1

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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City Attorney's Office, Frances Engelbaum, (915) 212-0033

**AGENDA LANGUAGE:**

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

Request by Texas Gas Service Company, a division of ONE Gas, Inc., for Recovery of Extraordinary Costs Incurred during the 2021 Winter Storm Uri and Mitigate Future Costs, Texas Railroad Commission Docket No. 00007069, Matter No. 20-1008-147 (551.071)





El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: 21-1291, Version: 1**

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

**DISTRICT, DEPARTMENT, CONTACT INFORMATION:**

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Economic and International Development, Elizabeth Triggs, (915) 212-0095

**AGENDA LANGUAGE:**

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

Economic Incentives for a Nonprofit Business Incubator to be located in the City of El Paso. Matter No. 19-1007-2514 (551.071) (551.087)



El Paso, TX

300 N. Campbell  
El Paso, TX

## Legislation Text

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**File #:** 21-1292, **Version:** 1

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

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

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Economic and International Development, Elizabeth Triggs, (915) 212-0095

#### **AGENDA LANGUAGE:**

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

Economic Incentives for an Infill Development located in the City of El Paso. Matter No. 21-1007-2802  
(551.087)