

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, DISTRICT 2
CASSANDRA HERNANDEZ, DISTRICT 3
SAM MORGAN, DISTRICT 4
ISABEL SALCIDO, DISTRICT 5
CLAUDIA L. RODRIGUEZ, DISTRICT 6
HENRY RIVERA, DISTRICT 7
CISSY LIZARRAGA, DISTRICT 8

**CITY COUNCIL WORK SESSION MINUTES
AUGUST 31, 2020
9:05 AM**

Due to the temporary suspension of Open Meetings laws due to the COVID-19 emergency this meeting was conducted via telephonic and videoconference formats.

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The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:44 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Aleksandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.

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AGENDA

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

1. Overview (Tommy Gonzalez)

City Manager Tommy Gonzalez introduced the item and provided a brief overview of the presentation.

- a) COVID-19 Updates (Land Ports of Entry Limitations) (Karla Nieman)
 - b) Emergency Ordinances (Karla Nieman)
 - c) City Attorney's Office COVID-19 Support (Karla Nieman)

Ms. Karla Nieman, City Attorney, Ms. Ana Schumacher, Assistant City Attorney, and Ms. Wendy Vineyard, Assistant City Attorney, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

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

Fire Chief Mario D'Agostino presented a PowerPoint presentation (copy on file in the City Clerk's Office).

3. Team Lead Reports:

1. Health Focus (Hector Ocaranza, M.D.)
 2. Data Analysis (David Coronado)
 3. Financial Focus (Robert Cortinas)
 4. Testing Recap and Update (Tracey Jerome)

5. Education, Communication and Compliance (Dionne Mack, Ellen Smyth and Jessica Herrera)
6. Economic Recovery (Jessica Herrera)
7. Operations Focus (Cary Westin)

The following City staff members presented PowerPoint presentations (copies on file in the City Clerk's Office).

1. Dr. Hector Ocaranza, City of El Paso Health Authority
2. Mr. Dennis Redd, Deputy Fire Chief
3. Ms. Dionne Mack, Deputy City Manager for Public Safety
4. Mr. David Coronado, International Bridges Director
5. Mr. Robert Cortinas, Chief Financial Officer
6. Ms. Tracey Jerome, Deputy City Manager for Quality of Life
7. Ms. Ellen Smyth, Environmental Services Director
8. Ms. Jessica Herrera, Economic and International Development Director
9. Ms. Miranda Diaz, Business Services Coordinator
10. Mr. Alex Hoffman, Capital Improvement Assistant Director
11. Mr. Ben Fyffe, Cultural Affairs and Recreation Director
12. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, Rivera, and Lizarraga commented.

The following City staff members responded to questions from Mayor and Council:

1. Police Commander Humberto Talamantes
2. Mr. Tommy Gonzalez, City Manager
3. Ms. Dionne Mack, Deputy City Manager for Public Safety
4. Mr. David Coronado, International Bridges Director
5. Assistant Police Chief Victor Pasillas
6. Mr. Alex Hoffman, Capital Improvement Assistant Director
7. Ms. Claudia Lujan, Interim Human Resources Director
8. Ms. Norma Martinez, Libraries Director

Ms. Yvette Renteria, citizen, commented.

NO ACTION was taken on this item.

2.

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ORDINANCE 019089

**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, 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 re-enacted Emergency Ordinance No. 019035 five times, with the most recent extension taking place on August 4, 2020; and

WHEREAS, on August 8, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

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

WHEREAS, Emergency Ordinance No. 019081 which re-enacts Emergency Ordinance No. 019035 is set to expire on September 3, 2020; and

WHEREAS, the number of COVID-19 cases in El Paso is approaching 20,000; and

WHEREAS, though the community is beginning to see decreased spread of COVID-19, Governor Abbott urged El Pasoans to remain vigilant during his August 13th visit to El Paso; and

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

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Representatives Svarzbein and Hernandez commented.

Ms. Karla Nieman, City Attorney, commented.

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

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

NAYS: None

MAYOR MARGO CONSENTED TO THE ADOPTION OF THE EMERGENCY ORDINANCE

3.

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ORDINANCE 019090

**AN EMERGENCY ORDINANCE
RE-ENACTING AND AMENDING EMERGENCY ORDINANCE NO. 019036;
AS AMENDED AND RE-ENACTED BY EMERGENCY ORDINANCE NO. 019062;
AND AS FURTHER AMENDED BY EMERGENCY ORDINANCE NO. 019068;
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, on March 30, 2020, the City Council adopted Emergency Ordinance No. 019045, amending Emergency Ordinance No. 019036; and

WHEREAS, on April 13, 2020, the City Council adopted Emergency Ordinance No. 019051, an Emergency Ordinance Amending and Re-Enacting Emergency Ordinance No. 019036; and

WHEREAS, on May 11, 2020, the City Council adopted Emergency Ordinance No. 019056, an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019036, as amended and

WHEREAS, on June 8, 2020, the City Council adopted Emergency Ordinance No. 019062, an Emergency Ordinance Re-Enacting and Amending Emergency Ordinance No. 019036, as amended and

WHEREAS, on July 8, 2020, the City Council adopted Emergency Ordinance No. 019068, an Emergency Ordinance Re-Enacting and Amending Emergency Ordinance No. 019036, as amended; and

WHEREAS, on August 4, 2020, the City Council adopted Emergency Ordinance No. 019081, an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019036, as amended; 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, Emergency Ordinance No. 019081 which re-enacts Emergency Ordinance No. 019036, as amended, is set to expire on September 3, 2020; and

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

WHEREAS, the City Council desires to re-enact its March 17, 2020, Emergency Ordinance No. 019036 as amended by Emergency Ordinance Nos. 019062 and 019068, which shall remain in effect until September 30, 2020 or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order; and

WHEREAS, the City Council desires to amend Emergency Ordinance No. 019036, as amended, to suspend the Rules of Order for City Council to allow for Work Sessions and City Council meetings to be held virtually starting at 3:30 P.M. on Mondays and Tuesdays, respectively.

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

1. That the Title of Section 4 (SUSPENSION AND MODIFICATION OF ORDINANCES), be amended to read as follows:

SUSPENSION AND MODIFICATION OF ORDINANCES AND RULES

2. That Section 4 (SUSPENSION AND MODIFICATION OF ORDINANCES), Sub-section a) be amended to add paragraph iv. which shall read as follows:

iv. The following sections of the Resolution Amending the Rules of Order for the El Paso City Council, (the "Rules of Order"), Revised, as Effective March 3, 2020, including but not limited to exhibits, is hereby temporarily suspended and amended as follows:

- a) All references to 9:00 a.m. are changed to 3:30 P.M.
- b) All references to 12:00 noon is changed to 6:00 P.M.

Except as amended herein, the remainder of the Rules of Order are not suspended or amended, and remain in full force and effect. This Rule shall take effect on September 14, 2020.

3. That Section 9 (EMERGENCY), be amended to read as follows:

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 Section 3.10.

Except as specified in a preceding section, this emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This ordinance shall remain in effect for 30 days, unless re-enacted in accordance with City Charter section 3.10 or until the state of disaster is terminated, whichever is sooner.

- 4. Except as amended herein, Emergency Ordinance No. 019036, as amended by Emergency Ordinance Nos. 019062 and 019068, penalty as provided in Section 8, is re-enacted and shall remain in full force and effect through September 30, 2020.

Representatives Svarzbein, Annello, Hernandez, Morgan, Rodriguez, Rivera, and Lizarraga commented.

The following City staff members commented:

- 1. Ms. Karla Nieman, City Attorney
- 2. Mr. Tommy Gonzalez, City Manager
- 3. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism
- 4. Ms. Laura Prine, City Clerk
- 5. Ms. Laura Cruz-Acosta, Strategic Communications Director

1ST MOTION

Motion made by Representative Rodriguez, seconded by Representative Svarzbein, and unanimously carried to **AMEND** the Ordinance by changing the time from 4:30 P.M. to 3:30 P.M. on Number 2, Section 4, Suspension and Modification of Ordinances and Rules.

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

NAYS: None

MAYOR MARGO CONSENTED TO THE AMENDMENT

2ND AND FINAL MOTION

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

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

NAYS: None

MAYOR MARGO CONSENTED TO THE ADOPTION OF THE EMERGENCY ORDINANCE

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4. **ORDINANCE 019091**

**AN EMERGENCY ORDINANCE INSTITUTING EMERGENCY MEASURES TO
 ALLOW 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 17, 2020, El Paso City Council re-enacted its Emergency Ordinance extending the City's Disaster Declaration five times, with the most recent extension taking place on August 4, 2020; and

WHEREAS, on August 8, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

WHEREAS, Governor Abbott's Executive Order No. 28 ("GA-28") limits a majority of business establishments, including restaurants' dine-in services, to 50% percent total listed occupancy, but does not restrict outdoor areas, events or establishments; 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, to that end, the El Paso City Council hereby suspends various sections of the El Paso City Code to facilitate temporary uses on the public right of way and private property.

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

SECTION 1. SUSPENSION AND MODIFICATION OF ORDINANCES

A. The following El Paso City Code provisions are hereby suspended, only as they apply to the temporary uses identified and described in this Ordinance under Section 2(B) below:

Title	Section	Sub-Section	Name
Title 9	9.12	9.12.010	Food And Food Handling Establishments-Definitions
Title 9	9.12	9.12.050	Food And Food Handling Establishments-Permit-Contents
Title 12	12.20	12.20.090	Traffic Control Devices-Display of unauthorized signs

Title 12	12.30	12.30.030	Temporary Traffic Control-Permit required
Title 12	12.30	12.30.040	Temporary Traffic Control-Failure to obtain a temporary traffic control permit
Title 12	12.30	12.30.050	Temporary Traffic Control-Permit application
Title 12	12.30	12.30.060	Temporary Traffic Control-Permit bond and insurance required
Title 12	12.30	12.30.070	Temporary Traffic Control-Permit fees
Title 12	12.30	12.30.120	Temporary Traffic Control-Correction of violations, removal of traffic control devices, fees
Title 12	12.30	12.30.160	Temporary Traffic Control-Violation
Title 12	12.36	12.36.030	One-Way Streets-Restricting direction at certain times
Title 12	12.44	12.44.030	Stopping, Standing, And Parking Generally-Proximity to curb
Title 12	12.44	12.44.180	Stopping, Standing, And Parking Generally-Regulations pertaining to certain special situations
Title 12	12.44	12.44.240	Stopping, Standing, And Parking Generally-Temporary no parking zones
Title 12	12.44	12.44.290	Stopping, Standing, And Parking Generally-Restrictions on parking in downtown parking districts
Title 12	12.52	12.52.010	Parking Restrictions on Certain Streets-Applicability
Title 12	12.56	12.56.020	Parking Meters-Installation
Title 12	12.56	12.56.040	Parking Meters-Operation—Time limits
Title 12	12.68	12.68.020	Visibility Obstructions-Plants, objects, vehicles over three feet
Title 12	12.76	12.76.070	Bicycles-Riding on right side of street
Title 12	12.76	12.76.120	Bicycles-Use of parking meters
Title 12	12.76	12.76.160	Bicycles-Effect of regulations
Title 12	12.76	12.76.170	Bicycles-Violation-Penalty
Title 12	12.80	12.80.150	Miscellaneous Traffic Regulations-Storing Vehicles in streets
Title 12	12.88	12.88.030	Schedules-Schedule III-Parking prohibited at all times on certain streets
Title 12	12.88	12.88.040	Schedules-Schedule IV-Parking prohibited during certain hours on certain streets
Title 12	12.88	12.88.150	Schedule XIV-Speed limits
Title 13	13.20	13.20.040	Miscellaneous Street And Sidewalk Use Regulations-Selling merchandise prohibited on and near public right-of-way
Title 13	13.20	13.20.060	Miscellaneous Street And Sidewalk Use Regulations-Receiving and forwarding goods on sidewalks
Title 13	13.24	13.24.200	City Parks and Recreation Areas-Park and recreation facility use and fee authorization

Title 13	13.32	13.32.010	Temporary Events-Definitions
Title 13	13.32	13.32.020	Temporary Events-Permit required
Title 13	13.32	13.32.030	Temporary Events-Permit application
Title 13	13.32	13.32.050	Temporary Events-Costs and fees
Title 13	13.32	13.32.090	Temporary Events-Violation-Penalty
Title 13	13.38	13.38.020	Special Events-Definitions
Title 13	13.38	13.38.030	Special Events-Permit required
Title 13	13.38	13.38.040	Special Events-Permit application
Title 13	13.38	13.38.050	Special Events-Permitting Criteria
Title 13	13.38	13.38.060	Special Events-Costs and fees
Title 13	13.38	13.38.110	Special Events-Violation-Penalty
Title 15	15.08	15.08.010	Street Rentals-Purpose
Title 15	15.08	15.08.120	Street Rentals-Special privilege licenses and permits
Title 15	15.08	15.08.125	Street Rentals-Violation and penalty
Title 18	18.02	18.02.106.22	Building And Construction Administrative Code-Temporary structures
Title 18	18.02	18.02.106.23	Building And Construction Administrative Code-Permit Fees-Sidewalk, street, alley, public right-of-way, and parking meter space, rental
Title 20	20.02	20.02.936	Definitions-Sign, special event directional
Title 20	20.02	20.02.1076	Definitions-Temporary events on public rights-of-way
Title 20	20.04	20.04.640	Administrative Provisions-Temporary Permits
Title 20	20.04	20.04.660	Administrative Provisions-Signs in public rights-of-way
Title 20	20.10	20.10.410	Supplemental Use Regulations-Off-street parking (serving another property)
Title 20	20.10	20.10.630	Supplemental Use Regulations-Storage of supplies (in connection with a permitted use)
Title 20	20.10	20.10.680	Supplemental Use Regulations-Temporary Uses
Title 20	20.10	20.10.720	Supplemental Use Regulations-Unenclosed parking space shelters
Title 20	20.14	20.14.020	Off-Street Parking, Loading And Storage Standards-Scope
Title 20	20.14	20.14.050	Off-Street Parking, Loading And Storage Standards-Parking requirements and standards
Title 20	20.14	20.14.060	Off-Street Parking, Loading And Storage Standards-Shared parking
Title 20	20.14	20.14.070	Off-Street Parking, Loading And Storage Standards-Parking reductions
Title 20	20.14	20.14.120	Off-Street Parking, Loading And Storage Standards-Bicycle parking on city right of way

Title 20	20.14	20.14.200	Off-Street Parking, Loading And Storage Standards-Applicability
Title 20	20.14	20.14.210	Off-Street Parking, Loading And Storage Standards-Standards

- B. Any other provisions of the El Paso City Code not mentioned above that may govern the temporary uses described in Section 2(B) below are also suspended.
- C. Any of the aforementioned provisions that do not apply to the temporary uses on public right of way and private property identified in Section 2(B) below as permitted by this Emergency Ordinance are not suspended or amended, and remain in full force and effect.

SECTION 2. ESTABLISHMENT OF A PILOT PROGRAM

- A. The City Manager or designee (“City Administration”) shall create temporary requirements, application, and permit to allow/facilitate the temporary uses described in Section 2(B) below for the duration of this Ordinance (“Pilot Program”). Any persons wishing to use public right of way or private property for any temporary uses allowed under Section 2(B) below must submit an application, receive a permit, and abide by all the requirements of this Ordinance and the permit. It is a violation of this Ordinance for a person to use public right of way or private property for any temporary uses described in Section 2(B) below in violation of the requirements of this Ordinance and/or an issued permit.
- B. The following are the temporary uses allowed under the Pilot Program:
 - 1. 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:
 - a. Ped-Way (Pedestrian Lane): “Ped-Way (Pedestrian Lane)” means the use and occupation of an area that is to be utilized for outdoor recreational purposes, including but not limited to, pedestrian movement, bicycling, and/or Shared Use Mobility Devices.
 - b. ROW Café: “ROW Café” means the use and occupation of an area that is to be utilized for businesses to provide additional space for outdoor dining and seating, space for patrons, and merchandise, which encompasses a partial street closure of the entire block, which may or may not include on-street parking, directly fronting only their establishment.
 - c. Parking-parklet: “Parking-parklet” means the use and occupation of an area that is to be utilized for businesses to provide additional space outdoor dining and seating, space for patrons, and merchandise, which encompasses on-street parking spaces directly abutting only their establishment.
 - 2. Safe Business. “Safe Business” means the use and occupation of a portion of private property that is currently used as off-street surface parking spaces serving the abutting commercial establishment shall be utilized for additional

outdoor dining space, outdoor queuing, and order pick-up and drop-off serving only their establishment.

3. Safe Food Court. "Safe Food Court" means the use and occupation of a portion of public right of way or the occupation of a portion private property currently used as shared off-street parking, that is to be utilized and shared by multiple restaurants and/or food trucks for the purpose of outdoor dining and seating, which may or may not abut their establishment.
- C. Notwithstanding anything to the contrary, the requirements created by City Administration for the Pilot Program must require all applicants and participants:
 1. To follow all applicable local, state, and federal orders and guidelines issued by the Centers for Disease Control pertaining to COVID-19,
 2. Continue to allow for the passage of pedestrian traffic at all times,
 3. Not allow encroachment into handicap parking/ramps or otherwise reduce the ADAAA accessibility of the site,
 4. Require ADAA compliance for access to the outdoor area,
 5. Not impede flow from building exits,
 6. Be in compliance with any fire and safety ordinances,
 7. Be in compliance with TABC rules and regulations,
 8. To indemnify, defend, and hold harmless the City for all claims resulting from the applicant's and/or the applicant's employees', contractors', licensees', and/or invitees' use of public right of way or private property for temporary uses,
 9. To release the City from all claims related to the applicant's use of public right of way or private property for temporary uses,
 10. To pay for any damage caused to the public right of way caused by the applicant or the applicant's employees', contractors', licensees', and/or invitees'.
- D. The City Attorney's Office is authorized to grant waivers of requirements in Section 2(C) (8), (9), and (10) above.
- E. All persons and businesses wishing to use the right of way or private property as described in the Pilot Program must comply with the requirements herein as well as any requirements established by City Administration for the Pilot Program.

SECTION 3. LIMITATIONS

- A. The provisions suspended by this ordinance remain applicable to any temporary uses not addressed by the Pilot Program. Any person wishing to use public right of way or private property not subject to the Pilot Program must comply with all requirements of the El Paso City Code.
- B. Nothing in this ordinance grants any permanent rights to any person pertaining the right of way. Nothing in this ordinance limits the City's control over municipal

rights of way. Nothing in this ordinance constitutes a vacation of any portion of the public right of way.

- C. Nothing in this Ordinance allows for any permanent uses of the right of way.
- D. All authorizations to use the public right of way or private property under this Ordinance and/or the Pilot Program are revocable at any time for any reason at the sole discretion of the City Administration for the City of El Paso.

SECTION 4. ADMINISTRATIVE TERMINATION OF PILOT PROGRAM

Due to the uncertainty caused by this pandemic, the City Administration is authorized to terminate the Pilot Program and any uses of public right of way or private property under this order if in the discretion of City Administration such termination is necessary for the health, safety, or welfare of the community. If City Administration terminates the Pilot Program, then all City Code provisions suspended under this order are reinstated as of the date of termination of the Pilot Program.

SECTION 5. DURATION OF SUSPENSION

The suspension or modification of the ordinances and regulations listed herein shall remain in effect for 30 days, unless re-enacted in accordance with City Charter Section 3.10 or until the state of disaster is terminated, whichever is sooner.

SECTION 6. PENALTIES

- A. These regulations shall have the effect of ordinances when duly filed with the City Clerk.
- B. A person who violates any provision of these regulations and/or the requirements established by the City Administration pertaining to the Pilot Program under this Ordinance, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

SECTION 7. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that phrases, sentences, paragraphs and sections of this ordinance are severable. If any part of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, sentences, paragraphs and sections.

SECTION 8. EMERGENCY

- A. This emergency 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.
- B. This emergency ordinance shall take effect immediately upon its adoption and publication and it is accordingly so ordained. This ordinance shall remain in effect for 30 days, unless re-enacted in accordance with City Charter section 3.10 or until a state of disaster is terminated, whichever is sooner.

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

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Rodriguez, Rivera, and Lizarraga

NAYS: None

MAYOR MARGO CONSENTED TO THE ADOPTION OF THE EMERGENCY ORDINANCE

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5. Presentation and update from the City Manager and COVID-19 Mitigation Team regarding bars “approved for a restaurant license”; to include enforcement efforts and report on establishment's visited, warned, cited, served with a suspension notice, not in compliance and in violation of Texas Governor’s Order GA-28 and local orders, to include Texas Alcohol Beverage Commission (TABC) Rules Section 33.5 in response to COVID-19.

Mayor Margo and Representative Rivera commented as the update was provided during Item 1.

NO ACTION was taken on this item.

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6. **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Third Amendment to the Fuel Site Lease by and between the City of El Paso and Southwest Airlines Co., to add a fifth extension for a two-year period to the existing Fuel Site Lease at 7619 Boeing Drive, El Paso, Texas.

Motion made by Representative Hernandez, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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7. **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Second Amendment to Air Cargo Building Lease Agreement (“Lease Agreement”) by and between the City of El Paso and Southwest Airlines Co. to add two additional one-year extensions to the existing Lease Agreement for the property located at 6435 Convair Road, Space 1, El Paso, Texas.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and unanimously carried to **APPROVE** the Resolution.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

8.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the First Amendment to the Subrecipient Agreement (“Agreement”) by and between the City of El Paso and LiftFund, Inc., whereby the parties agree to amend the Sub-grant Amount provided to Liftfund; revise the language concerning the federal requirements applicable to the Agreement; and update certain attachments to the Agreement.

Ms. Elizabeth Triggs, Economic and International Development Assistant Director, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).

Representative Annelo commented.

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

AYES: Representative Svarzbein, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Annelo

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ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and unanimously carried to **ADJOURN** this meeting at 1:04 p.m.

AYES: Representatives Svarzbein, Annelo, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk