

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
October 26, 2020
3:35 PM

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

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The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 3:52 p.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Cassandra Hernandez, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga.
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AGENDA

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

1. Overview (Tommy Gonzalez)

City Manager Tommy Gonzalez introduced the item.

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

Fire Chief Mario D'Agostino provided an overview and the following individuals provided further insight:

1. Ms. Angela Mora, Public Health Director
2. Mr. Jorge Rodriguez, Assistant Fire Chief of Emergency Management
3. Mr. Jacob Cintron, CEO, University Medical Center
4. Ms. Wanda Helgesen, Executive Director, BorderRAC

3. City Attorney Overview (Karla Nieman)

- a) COVID-19 Updates-Governor Abbott's Executive Orders & Proclamations
- b) Texas Health & Human Services-High Hospitalizations Classification
- c) Emergency Ordinances Re-enactments
- d) City Attorney's Office COVID-19 Support

Ms. Karla Nieman, City Attorney, provided an overview of the presentation and Ms. Anna Schumacher, Assistant City Attorney, presented a Power Point presentation (copy on file in the City Clerk's Office).

4. Team Lead Reports:

1. Health Focus (Hector Ocaranza, M.D.)
 - a) Community Task Force Recommendations Update
2. Data Analysis (David Coronado)
3. Financial Focus (Robert Cortinas)
4. Testing Recap and Update (Tracey Jerome)
5. Education, Communication and Compliance (Ellen Smyth, Dionne Mack)
6. Community Vulnerabilities + Human Services
(Abraham Gutierrez, Nikole Heater- Rodriguez)
7. Economic Recovery (Miranda Diaz)
8. Operations Focus (Cary Westin)

The following City staff members presented PowerPoint presentations and addressed questions posed by Council members (copies of presentation on file in the City Clerk's Office):

1. Dr. Hector Ocaranza, City of El Paso Public Health Authority
2. Ms. Dionne Mack, Deputy City Manager, Public Safety
3. Mr. David Coronado, International Bridges Director
4. Mr. Robert Cortinas, Chief Financial Officer
5. Ms. Tracey Jerome, Deputy City Manager for Quality of Life
6. Ms. Laura Cruz-Acosta, Strategic Communications Director
7. Ms. Ellen Smyth, Environmental Services and Sun Metro Director
8. Mr. Abraham Gutierrez, Community and Human Development Administrative Services Manager
9. Ms. Nickole Heater-Rodriguez, Community Development Program Manager
10. Ms. Miranda Diaz, Economic and International Development Business Services Coordinator
11. Mr. Cary Westin, Senior Deputy City Manager of Economic Development and Tourism

The following members of the community provided input during the presentation:

1. Dr. Gregory Schober, Assistant Professor of Rehabilitation Science Program University of Texas at El Paso
2. Ms. Jackie Butler, on behalf of BIO El Paso-Juarez

The following members of the public commented:

1. Ms. Susan Goodell
2. Ms. Yasmin Campos
3. Ms. Jessica Avila
4. Mr. Justin Kaufman
5. Mr. Leo Carrillo
6. Ms. Michelle Savage

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga commented and asked questions regarding the presentation.

NO ACTION was taken on this item.

2.

ORDINANCE 019107

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019035
EXTENDING A DISASTER DECLARATION DUE TO A
PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 13, 2020, the Mayor signed a Local Emergency Declaration and requested the aid of the State Government pursuant to Texas Government Code Section 418.108; and

WHEREAS, pursuant to El Paso City Code Section 2.48.020(C), a local state of disaster declaration may not be continued or renewed for a period in excess of seven days except by or with the consent of City Council; and

WHEREAS, City Charter Section 3.10 allows for the City Council to adopt an emergency ordinance to meet a public emergency affecting, life, health, property or the public peace; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 019035, Extending a Disaster Declaration Due to a Public Health Emergency; and

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent extension taking place on September 28, 2020; and

WHEREAS, on October 7, 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. 019097 which re-enacts Emergency Ordinance No. 019035 is set to expire on September 28, 2020; and

WHEREAS, the number of COVID-19 active cases in El Paso is over 8,300; and

WHEREAS, El Paso is currently considered to be in an area with high hospitalizations according to Governor Abbott's Executive Order GA-32; and

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

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

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

Representative Hernandez commented.

Motion made by Representative Lizarraga, seconded by Representative Salcido, 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 019108

**AN EMERGENCY ORDINANCE
RE-ENACTING, RESTATING AND AMENDING EMERGENCY ORDINANCE
NO. 019036, AS AMENDED;
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, El Paso City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent extension taking place on September 28, 2020; 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. 019098 which re-enacts Emergency Ordinance No. 019036, as amended, is set to expire on October 28, 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, restate and amend Emergency Ordinance No. 019036, as amended, which shall remain in effect until November 25, 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.

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

That Emergency Ordinance No. 019036 is re-enacted, restated and amended to read as follows:

1. STATE AND FEDERAL GUIDANCE

The City authorizes the Emergency Management Director or designee to update, restrict and promulgate regulations necessary to comply with Federal, State, and Local authorities' guidance in relation to COVID-19.

2. CITY BOARDS AND COMMISSIONS

[Reserved].

3. PRICE CONTROLS

A person shall not sell any of the following goods or services for more than the fair market value:

- a) groceries, beverages, toiletry articles, ice;
- b) construction and building materials and supplies, and earthmoving equipment and machinery;
- c) electrical and gas generating and transmission equipment, parts and accessories;
- d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns;
- e) hand tools (manual and power), hardware and household supplies, and equipment rental;
- f) automotive parts, supplies, and accessories;
- g) plumbing and electrical tools and supplies;
- h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental;
- i) motor oil, kerosene, grease, and automotive lubricants;
- j) restaurant, cafeteria, and boarding-house meals;
- k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies;
- l) medicine, pharmaceutical, and medical equipment and supplies;
- m) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, toilet paper; and
- n) furniture and clothing.

4. SUSPENSION AND MODIFICATION OF ORDINANCES AND RULES

a) The following ordinances are hereby suspended or modified as indicated:

- i. Any ordinance or regulation that imposes an obligation upon the City to deliver in less than five (5) business days any non-essential good, or service, as determined by the Mayor, is hereby suspended.

- ii. Ordinance number 016736 is hereby modified to read as follows:

Ordinance granting the authority to the City Manager or designee to enter into and sign certain contracts on behalf of the City is hereby amended to authorize the City Manager to negotiate and enter into contracts, including the issuance of purchase orders, on behalf of the City and sign and bind the City for contracts for the acquisition of goods and services in an amount that exceeds \$50,000 per annum, in order to take immediate action to relieve the emergency necessity of the municipality's residents, to preserve the property of the municipality, and to protect the health, safety, and welfare of the municipality's residents.

- iii. El Paso City Code Sub-section 12.56.020(F), second sentence of the first paragraph, as stated below is hereby suspended and temporarily replaced with the following:

Parking meter fees shall apply in all areas between the hours of 8:00 a.m. and 6:00 p.m. of every day except on officially designated city holidays and Sundays. The International Bridges Director shall make recommendations to city council for exceptions to the days and times when parking meter fees shall apply, except that, for the duration of the local disaster declaration, the Director of International Bridges or designee may, without recommending to City Council, select as exempt from the parking meter fees those parking meters that enable curbside pick up and take out at restaurants in increments not to exceed 15 minutes.

The Exceptions within 12.56.020(F) are not suspended or amended, and remain in full force and effect.

- 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 reference 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 not be in effect the week of Thanksgiving through the end of

the 2020 calendar year; the City shall revert to its Original Rules of Order during this period.

- b) The suspension or modifications of the ordinances and regulations listed in Subsection (a) shall remain in effect for 30 days, unless re-enacted in accordance with City Charter 3.10 or until the state of disaster is terminated, whichever is sooner.

5. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

- a) Except as allowed or restricted by federal, state or local law, individuals are prohibited from socially gathering in a group larger than ten (10) individuals (including those within the individual's household) in a single space.

For purposes of clarity, this does not prohibit people from visiting a variety of places, including grocery stores, gas stations, churches, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19.

- b) [Reserved].
- c) Restaurants may remain open as allowed by the Texas Governor and pursuant to current Local Emergency Directives and El Paso Health Authority Orders for Restaurants, as amended.

6. TEMPORARY ASSISTANCE

The City urges all businesses to provide two weeks of paid sick leave to employees that succumb to COVID-19, are caring for someone with COVID-19, or are subject to quarantine. The City further urges businesses to apply for any available federal funding for the provision of paid sick leave.

7. UTILITIES & RESIDENCE

Residents and commercial tenants are responsible for paying their respective utility, mortgage and rent bills.

Landlords and tenants are encouraged to in good faith work out deferred payment plans or long term payment plans; however,

- a) To the extent allowed by law, no local utility shall discontinue the provision of cable, internet, water, gas, waste removal and electric utility services to a residential or commercial customer for lack of payment while this ordinance is in effect.
- b) To the extent allowed by law, no landlord shall evict a tenant for lack of payment while this ordinance is in effect.

8. 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, upon conviction, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00).

9. EMERGENCY

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.

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.

10. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the 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.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Morgan, Rodriguez, and Rivera commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez to **DELETE** Section 5c to restrict restaurants to take out and delivery services for two weeks.

AYES: Representatives Svarzbein, Annello, and Hernandez

NAYS: Representatives Morgan, Salcido, Rodriguez, Rivera, and Lizarraga

THE MOTION FAILED

2ND AND FINAL MOTION

Motion made by Representative Morgan, seconded by Representative Rodriguez, 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.

4.

ORDINANCE 019109

**AN EMERGENCY ORDINANCE
RE-ENACTING EMERGENCY ORDINANCE NO. 019091, 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, with the most recent extension taking place on August 31, 2020; and

WHEREAS, on September 7, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

WHEREAS, Governor Abbott's Executive Order No. 30 ("GA-30") limits a majority of retail establishments, including restaurants' dine-in services, to 75% 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, on August 31, 2020, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("**Emergency Ordinance No. 019091**") which expires September 30, 2020; and

WHEREAS, on September 28, 2020, City Council enacted an Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091 ("Re-enacting Ordinance"); and

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

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

WHEREAS, the City Council desires to re-enact its August 31, 2020, Emergency Ordinance No. 019091, which shall take effect immediately, and remain in effect until November 29, 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.

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

1. That Emergency Ordinance No. 019091, penalty as provided in Section 6, is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Motion made by Representative Lizarraga, seconded by Representative Morgan, 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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5. Discussion, action and update regarding the City of El Paso's State Legislative Agenda for the 87th Legislative Session.

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

Representatives Svarzbein, Annello, and Hernandez commented.

The following members of the public commented:

1. Ms. Janet Monteros
2. Mr. Ray Mancera
3. Mr. Daniel Anchondo

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Annello and carried to add an item to seek legislation that will strengthen community safety and prevent mass violence by strengthening existing laws to allow for a stronger more efficiently and consistently enforcement of laws and new legislation that will assist in the identification of risk indicators for potential threat to include the use and role of mental health professionals and ways to reduce the risk

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

NAYS: Representatives Morgan and Rodriguez

2ND AND FINAL MOTION

Motion made by Representative Annello, seconded by Representative Rivera and unanimously carried to approve the city's state legislative agenda as revised by the city's legislative attorney and city council.

1. Appropriate money for the Defense Economic Adjustment Assistance Grant (DEAAG) program to fund military value projects that strengthen Texas military installations.

2. Appropriate funding for the Wyler Aerial Tramway.

3. Appropriate money for the Moving Image Industry Incentive Program (MIIP) and create supplemental tools for local communities to attract moving image projects and related jobs.

Move to Support Section

4. Seek legislation that will expand program eligibility under the Texas Economic Development Act to include back office and large scale warehouse distribution companies and extend the Act.

5. Seek legislation that will clearly allow municipalities to convey city owned property as part of Chapter 380 economic development agreement.

6. Seek legislation that will allow municipalities to submit for voter approval an increase in the sales tax of the amount of the sales tax increase, the sunset date of the increase, and how the additional revenue will be used.

Move to Support section

7. Seek legislation concerning police reform and training that will enhance and foster public trust in the police department, to include the appropriation of funding to municipalities for the acquisition of police body cameras and storage of data obtained by body cameras

8. Seek legislation that will provide for more economic incentives and support for solar and renewable energy initiatives.

9. Seek legislation that allows cities to publish certain notices via the internet.

Move to Support Section

10. Seek legislation that will extend the Texas Board of Plumbing Examiners.

Move to Support Section and revise

11. Seek legislation that will strengthen community safety and prevent mass violence by strengthening existing laws to allow for a stronger more efficiently and consistently enforcement of laws and new legislation that will assist in the identification of risk indicators for potential threat to include the use and role of mental health professionals and ways to reduce the risk

BRIDGE WAIT TIMES/PORTS OF ENTRY

Under Support section delete the following items:

- a. grants authority for assessment of fees for use of City streets by trucks crossing international bridges;
- b. creates a one-stop safety inspection facility for commercial trucks at the land ports of entry in the El Paso region;

WATER AND WASTEWATER - Add

- Support legislation that reauthorizes the Economically Distressed Areas Program for Texas Water Development Board for Colonia projects.

TELECOMMUNICATIONS- Add

Oppose legislation that restricts the city's ability to regulate the telecommunications industry or the way fees are charged for the use of city right of way
Support legislation that addresses the digital divide disparity and expands broad band Access

HIGHER EDUCATION section - Add

Support:

- a. More funding for the Woody Hunt School of Dental Medicine
- b. Preservation of the special line item appropriation and formula funding for the Paul L. Foster School of Medicine.
- c. University of Texas El Paso
 - (1) A restoration of 5% general revenue reduction FY 20-21 Biennium
 - (2) A restoration of 5% revenue reductions in FY 22-23 non-formula items
 - (3) Funding for COVID-19 recovery and transition
 - (4) A Tuition Revenue Bond (TRB) Bill for capital improvement projects on UTEP's campus including:
 - Replacement of a 60-year-old classroom building
 - A consolidated student success building for academic and career advising and counseling and psychological services
 - (5) Allocation of funding in future years for the following proposals made before the pandemic:
 - Interdisciplinary Institute for the Study of Hispanic Health
 - U.S. Census Restricted Access Research Data Center
 - West Texas Water Institute
 - Pharmacy Program Expansion
 - Center for Legal Studies

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

NAYS: None

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6. Discussion and action to direct City Manager to continue to expand COVID-19 testing sites.

Representative Rivera commented.

NO ACTION was taken on this item.

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7. Discussion and action to direct City Manager to continue to expand COVID-19 contact tracing and update on contact tracing process and results.

Representative Rivera commented.

NO ACTION was taken on this item.

8. Discussion and action to direct City Manager to continue and increase COVID-19 mitigation task force enforcement and update on education efforts, warnings and citations.

Representative Rivera commented.

The following City staff members provided a status on the item:

1. Mr. Tommy Gonzalez, City Manager
2. Assistant Police Chief Peter Pacillas

Motion made by Representative Rivera, seconded by Representative Morgan and unanimously carried to direct the City Manager to continue and increase COVID-19 mitigation task force enforcement and update on education efforts, warnings and citations.

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

NAYS: None

9. Discussion and action to direct City Manager to update on the City of El Paso's strategic plan to work with local hospitals and healthcare facilities to retrofit City buildings in preparation to assist hospitals and healthcare facilities in El Paso City/County that reach capacity.

Representative Rivera commented.

Mr. Tommy Gonzalez, City Manager, provided a status on the item.

NO ACTION was taken on this item.

10. Discussion and action to direct City Manager to increase and continue distributing Personal Protective Equipment (PPE) to first responders, healthcare workers and all front-line workers and an update on all PPE supplies and inventory.

Representative Rivera commented.

Mr. Tommy Gonzalez, City Manager, provided a status on the item.

NO ACTION was taken on this item.

The meeting was **RECESSED** at 10:56 p.m. on October 26, 2020 and **RECONVENED** on October 27, 2020 at 6:27 p.m. following the Regular City Council meeting with all Council members present.

11. Discussion and update regarding telecommuting for non-essential city employees.

Representatives Annello and Hernandez commented.

NO ACTION was taken on this item.

12. Discussion and action to use CARES Act funding to procure commercial grade cold-storage to keep specimen frozen and/or refrigerators to prepare for vaccinations and additional specimen collection.

Representatives Annello and Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Dr. Hector Ocaranza, City of El Paso Public Health Authority
3. Ms. Angela Mora, Public Health Director

NO ACTION was taken on this item.

13. Discussion and action to direct the City Manager to use CARES Act funding to implement and promote a best practice and city wide program to conduct specimen collection for COVID-19 and to begin self-swabbing and family-home swabbing efforts by the City of El Paso Public Health Department for uniform, non-uniform employees and for the public at large. Discussion regarding the process for specimen collection may be picked up and dropped off at select sites to include pop up sites and City facilities within the regions seeing high infection rates; testing may be completed within city labs or sent to private labs for additional testing, further, to provide an update at the November 9th City Council meeting.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, and Rodriguez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Fire Chief Mario D'Agostino
3. Dr. Hector Ocaranza, City of El Paso Public Health Authority
4. Ms. Angela Mora, Public Health Director

NO ACTION was taken on this item.

14. Discussion and recommendations from Public Health Authority regarding the closure of all non-essential indoor businesses to close and gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed,

additional masks mandates while indoors and face to face instruction for secondary and post-secondary educational institutions.

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Dionne Mack, Deputy City Manager, Public Safety
3. Dr. Hector Ocaranza, City of El Paso Public Health Authority
4. Ms. Angela Mora, Public Health Director
5. Ms. Karla Nieman, City Attorney
6. Assistant Police Chief Peter Pacillas

NO ACTION was taken on this item.

15.
Discussion and action to direct the City Manager and City Attorney to slow down widespread transmission of COVID-19 and close down gentlemen's clubs, sexually orientated businesses and night clubs until further notice and update the emergency directives to reflect new closures as a matter of public health.

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, Morgan, Rodriguez, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Dionne Mack, Deputy City Manager, Public Safety
3. Ms. Karla Nieman, City Attorney

1ST MOTION

Motion made by Representative Morgan, seconded by Representative Rivera and carried to have a broader conversation with the County and the County Judge related to the order (to include Mayor, City Manager, City Attorney, County Judge and key staff from both entities).

AYES: Representatives Morgan, Salcido, Rodriguez, and Lizarraga

NAYS: Representatives Svarzbein, Anello, Hernandez, and Rivera

Mayor Margo broke the tie by voting "Aye".

2ND AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Svarzbein to close down gentlemen's clubs, sexually orientated businesses and night clubs until further notice and update the emergency directives to reflect new closures as a matter of public health.

AYES: Representatives Svarzbein, Anello, Hernandez, and Rivera

NAYS: Representatives Morgan, Salcido, Rodriguez, and Lizarraga

Mayor Margo broke the tie by voting "Nay". THE MOTION FAILED

16. Discussion and action to direct the City Manager to develop a digital questionnaire or program to be used for persons to electronically self-disclose COVID-19 positive results obtained from private labs and report to the Public Health Department's contract tracing program.

Representative Hernandez commented.

The following City staff members commented:

1. Ms. Angela Mora, Public Health Director
2. Fire Chief Mario D'Agostino

Motion made by Representative Hernandez, seconded by Representative Lizarraga and unanimously carried to **POSTPONE** the item for **TWO WEEKS** until the November 9, 2020 Work Session.

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

NAYS: None

17. Discussion and action to direct the City Manager and City Attorney to revoke certificates of occupancy/licenses from businesses who fail to demonstrate adequate social distancing, occupancy limits and hour of operation restrictions for repeat and habitual violators and to increase the fine from \$500 to \$1,000 for all emergency directive violations and to direct the City Attorney's office to incorporate new language to the local emergency directives.

Ms. Karla Nieman, City Attorney, presented a PowerPoint presentation and answered questions posed by Council members.

Mayor Margo and Representatives Svarzbein, Anello, Hernandez, Morgan, Salcido, Rodriguez, Rivera, and Lizarraga.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Dionne Mack, Deputy City Manager, Public Safety
3. Fire Chief Mario D'Agostino
4. Dr. Hector Ocaranza, City of El Paso Public Health Authority
5. Police Commander Humberto Talamantes
6. Assistant Police Chief Peter Pacillas

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez to **DIRECT** the Mayor to coordinate a joint virtual meeting with the County of El Paso to include the County Judge, County Commissioners, and City Council within 10 days related to the response to the COVID-19 crisis and emergency orders.

AYES: Representatives Svarzbein, Anello, Hernandez and Rivera

NAYS: Representatives Morgan, Salcido, Rodriguez, and Lizarraga

THE MOTION FAILED

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Annello to **DIRECT** the City Manager and City Attorney to revoke certificates of occupancy/licenses from businesses who fail to demonstrate adequate social distancing, occupancy limits and hour of operation restrictions for repeat and habitual violators.

AYES: Representatives Svarzbein, Annello, Hernandez and Rivera

NAYS: Representatives Morgan, Salcido, Rodriguez, and Lizarraga

THE MOTION FAILED

3RD AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Svarzbein and unanimously carried to increase the fine from \$500 to \$1,000 for all emergency directive violations and to direct the City Attorney's office to incorporate new language to the local emergency ordinance.

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

NAYS: None

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18. Discussion and action to direct the City Manager and Office of Emergency Management to develop a vaccination rollout plan to be prepared by November 23, 2020 including recommendations using a cascade of distribution from high risk to low risk such as, seniors over 65, nursing homes, cancer patients, pregnant women and immunosuppressed and essential workers and city employees.

Representatives Hernandez and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney

Motion by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **DIRECT** the City Manager and Office of Emergency Management to develop a vaccination rollout plan to be prepared by November 23, 2020 including recommendations using a cascade of distribution from high risk to low risk such as, seniors over 65, nursing homes, cancer patients, pregnant women and immunosuppressed and essential workers and City employees.

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

NAYS: None

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19. Discussion and action seeking the City Managers Public Health Department and Office of Emergency Management portfolio, include the positions filled and vacancies of FT and PT employees, including but not limited to; Epidemiologist, call takers and phone bankers, Assistant Directors, contract tracers, educational employees, Public Health Public Affairs Officers, WIC employees, and any plans to fill vacancies within Public Health Department.

Representative Hernandez commented.

The following City staff members commented:

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

NO ACTION was taken on this item.

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- 20.** Discussion and action to direct the City Manager to set up educational campaigns at all polling places for COVID-19 and coordinate with County officials.

Representative Hernandez commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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- 21.** Discussion and action to use CARES Act funds for UV filtration systems for all El Paso senior centers, libraries and new COVID 19 clinics and lab spaces.

Representative Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Senior Deputy City Manager

NO ACTION was taken on this item.

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EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:58 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried to adjourn the Executive Session on October 28, 2020 at 1:34 a.m. and **RECONVENE** the meeting of the City Council during which time a motion was made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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EX1. Public Utility Commission of Texas Docket No 50277 Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for an additional generating unit at the Newman Generating Station in El Paso County and City of El Paso. Matter No: 19-1008-134 (551.071) (551.087)

NO ACTION was taken on this item.

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EX2. Application of Texas Gas Service Company, a division of ONE gas, Inc., to implement Initial Rates for a Conservation Adjustment Clause tariff. 1008-158 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and unanimously carried that the City Council grants, after review of the Application to Implement Initial Rates for a Conservation Adjustment tariff filed by Texas Gas Service Company, a division of ONE Gas, Inc. on October 15, 2020, the City Attorney authority to evaluate the application in consultation with the City Manager and to retain outside Counsel and any other necessary consultants in connection with this matter.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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ADJOURN

Motion made by Representative Rivera, seconded by Representative Svarzbein and unanimously carried to **ADJOURN** this meeting on October 28, 2020 at 12:36 a.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Salcido

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APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk