

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
November 23, 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.

.....
The City Council of the City Council met on the above time and date via videoconference. Meeting was called to order at 9:19 a.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.
.....

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.

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

Fire Chief Mario D'Agostino and Ms. Angela Mora provided an overview of the operations.

3. City Attorney's Office Update (Karla Nieman)

- a) Governor Abbott's Executive Orders & Proclamations
- b) Declaration of a Public Health Disaster
- c) Texas Supreme Court Emergency Orders
- d) Emergency Ordinances
- e) Local Emergency Directive
- f) 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
- b) Presentation and Update by Ciudad Juarez
- 2. Economic Recovery (Jessica Herrera, Kelly Kotlik)
- 3. Financial Focus (Robert Cortinas)
- 4. Data Analysis (David Coronado)
- 5. Testing Recap and Update (Tracey Jerome)
- 6. Education, Communication and Compliance (Ellen Smyth, Dionne Mack)
- 7. Community Vulnerabilities and Human Services – **this item was not presented**
- 8. Operations Focus (Richard Bristol)

Mr. Victor Ortega, Ciudad Juarez City Manager, presented a PowerPoint presentation regarding the activities and efforts they have put in place to address the COVID-19 pandemic in their city.

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. Ms. Jessica Herrera, Economic Development Director
- 4. Mr. Kelly Kotlik, Economic Development Program Administrator
- 5. Mr. David Coronado, International Bridges Director
- 6. Mr. Robert Cortinas, Chief Financial Officer
- 7. Ms. Tracey Jerome, Deputy City Manager for Quality of Life
- 8. Ms. Laura Cruz-Acosta, Strategic Communications Director
- 9. Ms. Ellen Smyth, Environmental Services and Sun Metro Director
- 10. Mr. Richard Bristol, Streets and Maintenance Director
- 11. Mr. Cary Westin, Senior Deputy City Manager
- 12. Assistant Police Chief, Peter Pacillas
- 13. Fire Chief, Mario D’Agostino
- 14. Mr. Tommy Gonzalez, City Manager

The following members of the Community provided an update or testimony on the economic aid received in the form of grants:

- 1. Ms. Cindy Ramos Davidson, El Paso Hispanic Chamber of Commerce, presented a PowerPoint presentation (copy on file in the City Clerk’s Office).
- 2. Mr. David Jerome, El Paso Chamber of Commerce
- 3. Ms. Maggie Assahani, Owner of Salt and Honey Restaurant
- 4. Mr. Robert Lomnicki and Mr. John Zimmerman, Owners of Paradigm Texas

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

NO ACTION was taken on this item.

2.

.....
ORDINANCE 019117

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 October 27, 2020; and

WHEREAS, on November 6, 2020, Governor Abbott similarly renewed the State's COVID-19 Disaster Declaration; and

WHEREAS, on November 6, 2020, Governor Abbott also announced that the U.S. Department of Defense deployed three U.S. Air Force Medical Specialty Teams to assist the state's efforts to combat COVID-19 in El Paso; and

WHEREAS, the number of COVID-19 active cases in El Paso is over 30,848; 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, on November 11, 2020, Governor Abbott deployed additional medical personnel, equipment, personal protective equipment, and mobile testing sites to El Paso; 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. 019107 which re-enacts Emergency Ordinance No. 019035 is set to expire on November 26, 2020; 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.

Mayor Margo and Representative Svarzbein commented.

The following City staff members commented:

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

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.

3.

.....
ORDINANCE 019118

**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, on March 30, 2020, the City Council adopted Emergency Ordinance No. 019045, amending Emergency Ordinance No. 019036; and

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment taking place on November 9, 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, 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 and amend Emergency Ordinance No. 019036, as amended and restated on November 9th, 2020, 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 amended and restated by Emergency Ordinance No. 019115 is hereby re-enacted.
2. That Section 4 (SUSPENSION AND MODIFICATION OF ORDINANCES AND RULES), sub-section v. be amended to read as follows:
 - v. El Paso City Code Title 5 (Business License and Permit Regulations), Chapter 5.01 (General), Section 5.01.090 (License/Permit-Appeal of denial, suspension or revocation), is hereby modified to add the following:
 - D. The City official or designee or the permit official or designee, as defined in El Paso City Code Chapter 5.01, may without warning, notice or hearing, suspend the permit and or license to operate an establishment granted under Title 5 of the El Paso City Code for a period not to exceed thirty days if:
 1. Conditions exist in an establishment that constitute an imminent health hazard, which by way of example may include failure to comply with any provision of a Local Emergency Directive, Local Health Authority Order, Emergency Ordinance, or other local, state or federal law relating to the COVID-19 pandemic; and
 2. The establishment operation has serious or repeated violations of any of the requirements noted in paragraph 1 above, which are a violation of this chapter. For purposes of this provision a serious violation includes but is not limited to, failure to comply with any provision of an active Local Emergency Directive, Local Health Authority Order, Emergency Ordinance or other local, state or federal law related to the spread of a communicable

disease.

A City official or permit official may reinstate a permit if in the discretion of the official and following an inspection, the establishment has taken sufficient corrective actions. Any suspension subject to this paragraph D may be appealed pursuant to paragraphs A through C of this El Paso City Code Section 5.01.090, unless a specific chapter of the El Paso City Code sets out a different appeal process.

E. Whenever a permit or license is suspended the holder of the permit or license shall immediately cease operation of the establishment. It shall be a violation of this chapter to operate an establishment with a suspended permit or license.

3. That Section 4 (SUSPENSION AND MODIFICATION OF ORDINANCES AND RULES), sub-section vii. be amended to read as follows:

vi. Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), Section 9.12.080 (Suspension-Notification), Subsection (A) of the El Paso City Code is modified to read as follows:

A. The director or designee as defined in El Paso City Code Section 9.12.010, may without warning, notice or hearing, suspend the permit and or license to operate the establishment if:

1. Conditions exist in an establishment that constitute an imminent health hazard which by way of example may include failure to comply with any provision of a Local Emergency Directive, Local Health Authority Order, Emergency Ordinance, or other local, state or federal law relating to the COVID-19 pandemic; and

2. The establishment operation has serious or repeated violations of any of the requirements of this chapter. For purposes of this provision a serious violation includes but is not limited to, failure to comply with any provision of an active Local Emergency Directive, Local Health Authority Order, Emergency Ordinance or other local, state or federal law related to the spread of a communicable disease.

4. Except as amended herein, Emergency Ordinance No. 019036, as amended and restated by Emergency Ordinance No. 019115, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with Charter Section 3.10 or until terminated by the City Council, whichever is sooner;

5. This ordinance is adopted as an emergency measure with the unanimous vote of

the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

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

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

NAYS: None

Mayor Margo consented to the adoption of the Emergency Ordinance.

4.

.....
ORDINANCE 019119

**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 on a monthly basis; and

WHEREAS, Governor Abbott similarly renewed the State’s COVID-19 Disaster Declaration; 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, City Council has re-enacted Emergency Ordinance Re-Enacting Emergency Ordinance No. 019091 (“Re-enacting Ordinance”); and

WHEREAS, during the October 26, 2020, City Council Work Session; Council approved increasing the fine for all emergency directive violations from \$500 to \$1,000; 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 an amend its August 31, 2020, Emergency Ordinance No. 019091, as restated on November 23, 2020, which shall take effect immediately, and remain in effect until December 23, 2020, or until otherwise terminated, reenacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019091 is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. That the penalty as provided in Section 6. B. of Emergency Ordinance No 019091 be increased from an amount not more than \$500.00 to an amount not more than one thousand dollars (\$1,000.00);
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 and pursuant to City Charter Section 3.10.

Motion made by Representative Rivera, 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.

5.

RESOLUTION

That the City Manager be authorized to sign a Chapter 380 Agreement by and between the CITY OF EL PASO, a Texas home rule municipal corporation, and LIFTFUND, INC., in support of the administration of a small business relief program to provide grants to eligible small businesses within the City of El Paso affected by the COVID-19 pandemic.

Mr. Eduardo Garcia, Economic and International Development Assistant Director,

presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Salcido, and Rivera commented.

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

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

NAYS: None

ABSTAIN: Representative Salcido

.....

- 6. Discussion and action on the application and program implementation of community funding through the CARES Act during COVID-19.

Representatives Svarzbein and Rivera commented.

NO ACTION was taken on this item.

.....

- 7. Discussion and action to direct the City Manager to create or expand on existing seroprevalence survey efforts to learn more about the percentage of El Pasoans who have been infected with SARS-CoV-2, the virus that causes COVID-19; and strongly encourages partnerships with commercial laboratories and blood collection centers, and establishes blood testing within neighborhoods.

Motion made by Representative Hernandez, seconded by Representative Svarzbein, and unanimously carried to **DIRECT** the City Manager to create or expand on existing seroprevalence survey efforts to learn more about the percentage of El Pasoans who have been infected with SARS-CoV-2, the virus that causes COVID-19; and strongly encourages partnerships with commercial laboratories and blood collection centers, and establishes blood testing within neighborhoods.

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

NAYS: None

.....

EXECUTIVE SESSION

Motion made by Representative Hernandez, seconded by Representative Morgan, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:21 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 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to adjourn the Executive Session at 3:29 p.m. and **RECONVENE** the meeting of the City Council during which time motions were made.

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

NAYS: None

.....
EX1. Public Safety Bonds real estate acquisitions; Matter No. 20-1004-1132 (551.071)

NO ACTION was taken on this item.

.....
EX2. Application of Texas Gas Service Company, a division of ONE Gas, Inc., to Implement Initial Rates for a Conservation Adjustment Clause Tariff; Matter: 20-1008-158; (551.071)(551.087)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to that the City Council finds 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, that the implementation of the adjustment in the utility's monthly customer charge for the proposed Energy Efficiency Program, as identified in the filing, be and is hereby suspended for ninety (90) days after the effective date specified in the filing.

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

NAYS: None

.....
EX3. Maria Pina v. City of El Paso; Matter: 19-1026-10491; (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney be authorized to reject Plaintiffs' settlement demand in the case entitled, Maria Pina v. City of El Paso pending in 210th District Court under Cause No. 2019DCV1458 in Matter No. 19-1026-10491.

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

NAYS: None

.....
EX4. Outstanding invoices sent to Donald J. Trump for President Inc.; Matter No. 19-1056-088 (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney is authorized to retain the Law Office of Snapper Carr, as outside counsel, to advocate and defend the City's interest and position in the collection of the outstanding invoices sent to Donald J. Trump for President Inc. This Motion is intended to grant broad authority to the City Attorney to take all action necessary to address this matter.

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

NAYS: None

.....
EX5. Litigation Update to Council: FY2020; Matter No. 19-1021-1210; (551.071)

NO ACTION was taken on this item.

.....
ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera and
unanimously carried to **ADJOURN** the meeting at 3:32 p.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk