

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 18, 2012
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Susannah M. Byrd at 8:43 a.m., Emma Acosta at 8:43 a.m. and Carl Robinson at 8:53 a.m. The invocation was given by Police Chaplain Lisle Davis. A silent prayer was given for our fallen Police Officer Angel Garcia, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

IMPAIRED DRIVING PREVENTION MONTH

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Marcia Margherio
2. Mr. Othon Medina
3. Mr. David Ochoa
4. Ms. Wally Cech
5. Ms. Lisa Turner
6. Mr. Steven Strumer
7. Mr. Richard Schecter

Mayor Cook and Representative Ortega commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.
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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 11, 2012, and the Special City Council Meeting of December 6, 2012.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign on behalf of the City, a dedication agreement between Ranchos Real Land Holdings, LLC and the City of El Paso for the dedication of a parcel of land containing 8.67 acres, more or less, being a portion of Section 38, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds attached to the Dedication Agreement as Exhibit "A", for an off-site dedication of a city park.

Further, that the City Manager be authorized to sign and accept on behalf of the City, a dedication deed conveying to the City a parcel of land containing 8.67 acres, more or less, being a portion of Section 38, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds attached to the Dedication Agreement as Exhibit "A".

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a Development Agreement between Ranchos Real Land Holdings, LLC and the City of El Paso pursuant to Texas Local Government Code Section 212.071, and Chapter 19.20 of the City Code for the construction of certain parkland improvements to property described as a parcel of land containing 9.84 acres, more or less, being a portion of Section 37, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, (the "Park Site") and more particularly described in the metes and bounds description attached to the Development Agreement as Exhibit "A".

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3C.

***RESOLUTION**

That the City Manager be authorized to sign the Second Amendment to the Agreement for Professional Services by and between the City of El Paso and Federal Engineering, Inc., a Maryland Corporation, for a project known as "El Paso Statistical Area Communications System", to add additional services for consulting and technical support during procurement and implementation of a new VHF P-25 radio system for the Sheriff's Office, in the amount of One Hundred Fifty One Thousand and 00/00 Dollars (\$151,000.00), (which additional amount shall be fully reimbursed by the County of El Paso, Texas), thereby extending the contract amount from

Four Hundred Fifty Eight Thousand Eight Hundred and 55/00 Dollars (\$458,800.55) to Six Hundred Nine Thousand Eight Hundred and 55/00 Dollars (\$609,800.55).

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Javier Reyes, Engineering Division Manager
- 3. Mr. Miguel Gamino, Director of Information Technology

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3D.

***RESOLUTION**

That the City Manager be authorized to sign the Interlocal Agreement for Radio System Procurement and Implementation Support wherein the County of El Paso will reimburse the City for all costs incurred pursuant to the Second Amendment of the Agreement for Professional Services by and between the City of El Paso and Federal Engineering, Inc. for a project known as “El Paso Statistical Area Communications System”, in an amount not to exceed One Hundred Fifty-one Thousand 00/00 Dollars (\$151,000.00).

Mayor Cook and Representatives Acosta and Robinson commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Javier Reyes, Engineering Division Manager
- 3. Mr. Miguel Gamino, Director of Information Technology

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3E.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and each of the following public entities, for the provision of public health services and environmental matters, by the City of El Paso, for the period of September 1, 2012 through August 31, 2013:

- 1. Town of Horizon City, Texas;
- 2. Town of Clint, Texas;
- 3. City of Socorro, Texas; and
- 4. Town of Anthony, Texas.

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3F.

***RESOLUTION**

WHEREAS, the El Paso City Council finds that transnational gangs, narcotics trafficking, and other border criminal activity threaten the peace and security for the citizens of El Paso; and

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso to apply for, submit, accept, reject, and amend the Local Border Security Program FY2013 (LBSP-13) grant project to the Texas Department of Public Safety for period January 1, 2013—August 31, 2013.

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

- 1. The City Manager be authorized to submit the grant application for the Local Border Security Program FY2013 (LBSP-13) project to the Texas Department of Public Safety including all understandings and assurances contained therein, in the amount of \$548,265.00, for the purpose of continuing the efforts of the

Police Department to reduce crime in the border community to ultimately improve the quality of life for the residents in the City of El Paso.

- 2. The City Manager be authorized to accept the grant award including all understandings and assurances contained therein.
- 3. No cash match or in-kind match required.
- 4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
- 5. The El Paso City Council agrees that in the event of loss or misuse of the funds, the El Paso City Council assures that the funds will be returned to the Texas Department of Public Safety in full.

Representative Robinson commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Chief Police Robert Feidner

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3G.

***RESOLUTION**

That the City Manager be authorized to sign a License Agreement and any amendments that do not affect the approved budget of the City of El Paso, by and between the City of El Paso, a municipal corporation (the "City") and the El Paso Zoological Society, a Texas non-profit corporation (the "Society") for free gate admission to members and the right to hold the above-mentioned invitational and non-invitational events in consideration of providing financial and training assistance to the El Paso Zoo under the direction of the El Paso Zoo Director, and/or the City Manager.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Melissa Brandrup to the City Plan Commission by Representative Cortney Niland, District 8.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** TJ Karam to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Elke Cumming to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook.

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ITEMS 5A – 5C TAKEN TOGETHER AFTER ITEM 18

5A. BOARD APPOINTMENT

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR.**

2ND AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPOINT** David Osborn to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Ann Morgan Lilly, District 1.

5B. BOARD APPOINTMENT

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPOINT** Jo Ann (Jody) Casey to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Cortney Niland, District 8.

5C. BOARD APPOINTMENT

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPOINT** Brian Joseph Burds to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Carl L. Robinson, District 4.

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6. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on November 15, 2012, in the amount of \$50 from Taylor King Smith; on November 20, 2012, in the amount of \$500 from Tracy Yellen, in the amount of \$200 from Mitzi Bain; on November 26 2012, in the amount of \$100 from Anne Jones-McClendon; in the amount of \$150 from Elizabeth Marsh; on November 30, 2012, in the amount of \$500 from Linebarger Goggan Blair & Sampson, LLP; on December 6, 2012, in the amount of \$1,000 from Richard Teschner; in the amount of \$2,500 from Richard Aguilar; in the amount of \$300 from Wyatt & Underwood; in the amount of \$2,500 from Scott McLaughlin; on December 10, 2012, in the amount of \$1,000 from Randy Brock and Roman Bustillos; on December 11, 2012, in the amount of \$1,000 from Sam Legate; on December 12, 2012, in the amount of \$1,000 from Gary Porras; in the amount of \$2,500 from Mamie Salazar.

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7A. – 7H. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Niland, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega, and Niland
NAYS: None
ABSTAIN: Representative Holguin

7A. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places) Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.070 (Installation of Sidewalk On Property On Which Building Permit Issued) of the El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Section 13.08.140 of the El Paso City Code.

7B. An Ordinance amending Title 19 (Subdivisions), Chapter 19.21 (Sidewalks), Section 19.21.010 (Purpose and Applicability) of the City of El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Chapter 19.42 of the City of El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2013, FOR ITEMS 7A - 7B

- 7C.** An Ordinance changing the zoning of a Portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 400-404 Grace. Property Owner: Dorine R. Brown. PZRZ12-00029 **THIS IS AN APPEAL CASE.**
- 7D.** An Ordinance granting Special Permit No. PZST12-00017, to allow for infill development with reduced lot depth, reduced side setback and a parking reduction on the property described as a portion of Lot 32, Richland Gardens, City of El Paso, El Paso County, Texas pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 400-404 Grace. Property Owner: Dorine R. Brown. PZST12-00017 **THIS IS AN APPEAL CASE.**
- 7E.** An Ordinance granting Special Permit No. PZST12-00016, to allow for an assisted living facility on the property described as Lot 2, Block 1, Mount Latona Manor, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8230 Mount Latona. Property Owner: Bingham Investments Inc. PZST12-00016
- 7F.** An Ordinance granting Special Permit No. PZST12-00010, to allow for infill development with reduced side street setbacks, reduced rear setbacks and a parking reduction, on the property described as Lot 1, Block 3, Beaumont Addition, an Addition to the City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5600 Dyer. Property Owner: MCG Investments Inc. PZST12-00010
- 7G.** An Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031
- 7H.** An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses), of the El Paso City Code to amend the application process and standards for temporary uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 15, 2013, FOR ITEMS 7C – 7H

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8.

ORDINANCE 17911

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM, AS INCORPORATED INTO PLAN EL PASO, TO DELETE A PORTION OF DURANGO STREET FROM MISSOURI AVENUE TO FRANKLIN AVENUE CURRENTLY DESIGNATED AS A MINOR ARTERIAL, TO DOWNGRADE A PORTION OF DURANGO STREET FROM FRANKLIN AVENUE TO SAN ANTONIO AVENUE FROM A MINOR ARTERIAL TO A COLLECTOR ARTERIAL, TO DOWNGRADE A PORTION OF SANTA FE STREET FROM YANDELL DRIVE TO SAN ANTONIO AVENUE FROM A MAJOR ARTERIAL TO A MINOR ARTERIAL, TO ADD FRANKLIN AVENUE AS A COLLECTOR ARTERIAL FROM INTERSTATE HIGHWAY 10 TO DURANGO STREET, AND TO DELETE**

A PORTION OF MISSOURI AVENUE FROM COLDWELL STREET TO SANTA FE STREET CURRENTLY DESIGNATED AS A MINOR ARTERIAL AND COLLECTOR ARTERIAL.

Mr. Fred Lopez, Transportation Planning Administrator, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Byrd, Acosta, Robinson, Niland, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. David Ochoa
- 2. Ms. Nancy Calvin
- 3. Mr. Javier Recendez

Motion duly made by Representative Niland, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland

NAYS: Representative Holguin

ABSTAIN: Representative Robinson

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER

9A.

ORDINANCE 17912

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE) CHAPTER 3.12 (HOTEL ROOM TAX) OF THE EL PASO CITY CODE BY AMENDING SECTION 3.12.010 (DEFINITIONS); SECTION 3.12.050 (RULES AND REGULATIONS – RECORD INSPECTION AUTHORITY) AND SECTION 3.12.070 (VIOLATION – PENALTY) AND ADDING NEW SECTION 3.12.021 (ADDITIONAL TAX IMPOSED FOR APPROVED VENUE PROJECT – RATE); SECTION 3.12.031 (COLLECTION OF ADDITIONAL TAX – APPROVED VENUE PROJECT); SECTION 3.12.041 (ADDITIONAL TAX – REPORTS AND REMITTANCES); SECTION 3.12.62 (USE OF ADDITIONAL TAX PROCEEDS – VENUE PROJECTS FUND) FOR THE PURPOSE OF EFFECTUATING THE BASEBALL STADIUM VENUE PROJECT APPROVED BY THE VOTERS ON NOVEMBER 6, 2012.**

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer and Mr. Mark Sutter, Comptroller, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Lilly, Byrd, and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Mr. David Ochoa, citizen, commented.

Motion duly made by Representative Niland, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland
NAYS: Representatives Robinson and Holguin

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

9B.

ORDINANCE 17913

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE) CHAPTER 3.12 (HOTEL ROOM TAX) OF THE EL PASO CITY CODE BY AMENDING SECTION 3.12.010 (DEFINITIONS) AND ADDING CRIMINAL AND OTHER PENALTIES FOR VIOLATIONS.**

Motion duly made by Representative Niland, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland
NAYS: Representatives Robinson and Holguin

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

10A.

RESOLUTION

WHEREAS, on August 14, 2012, the City Council of the City of El Paso approved an ordinance to hold an election on the November 6, 2012, in the City of El Paso (the "City"), for the purpose of submitting to the voters of the City the VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION, authorizing the City of El Paso to provide for the planning, acquisition, establishment, development, construction and financing of a sports and community venue project within the City of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Local Government Code, as amended (the "Act"), and described in summary form as a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games, and related infrastructure as defined in the Act (the "Project"), and to impose a tax on the occupancy of a room in hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, as authorized by Subchapter H of the Act (the "Venue Project Hotel Occupancy Tax"), and approving the Resolution (the "Proposition");

WHEREAS, an election was held in the City of El Paso, Texas on November 6, 2012, for the purpose of submitting the Proposition with respect to Project to the resident electors of the City; and

WHEREAS, on November 6, 2012, a majority of the resident qualified electors voting at said election voted in favor of the Proposition and the City Council was authorized and empowered to enter into obligations on behalf of the City for the purposes stated in the Proposition; and

WHEREAS, the City desires to create a venue project fund as required by the Act.

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

Section 1. The Baseball Stadium Venue Project Fund is hereby established for the purposes of depositing into such fund:

- A. the proceeds of the Venue Project Hotel Occupancy Tax imposed by the City as authorized by the Act and the Proposition;
- B. all revenue from the sale of bonds or other obligations issued by the City as authorized under the Act and the Proposition; and
- C. any other money required by law to be deposited in the fund.

Section 2. The City may use money in the Baseball Stadium Venue Project Fund to:

- A. reimburse or pay the costs of planning, acquiring, establishing, developing, constructing, or renovating the Project in the City;
- B. pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the City or to refund bonds, notes, or other obligations; or
- C. pay the costs of operating or maintaining the Project.

Section 3. The City shall establish separate accounts within the fund for the various revenue sources.

Section 4. The City Council, by amendment to this Resolution or by provisions contained in the ordinances authorizing the issuance of obligations in support of the Project, reserves the right to amend and modify the provisions of this Resolution.

Motion made by Representative Niland, seconded by Representative Byrd, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland

NAYS: Representatives Robinson and Holguin

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10B.

R E S O L U T I O N

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, AUTHORIZING AND APPROVING THE CREATION OF THE CITY OF EL PASO DOWNTOWN DEVELOPMENT CORPORATION PURSUANT TO SUBCHAPTER D OF CHAPTER 431 OF THE TEXAS TRANSPORTATION CODE, AS AMENDED, TO AID, ASSIST AND ACT FOR AND ON BEHALF OF THE CITY IN THE FINANCING AND DEVELOPMENT OF A MULTIPURPOSE COLISEUM, STADIUM OR OTHER TYPE OF ARENA OR FACILITY THAT IS PLANNED FOR USE FOR ONE OR MORE PROFESSIONAL OR AMATEUR SPORTS EVENTS, INCLUDING MINOR LEAGUE BASEBALL GAMES AND RELATED INFRASTRUCTURE; APPROVING THE ARTICLES OF INCORPORATION; APPOINTING THE INITIAL DIRECTORS AND CHAIRPERSON; AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO OTHER MATTERS INCIDENTAL AND RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Subchapter D of Chapter 431, Texas Transportation Code, as amended ("Chapter 431"), authorizes the creation and organization of a public, nonprofit local government corporation to act as a duly

constituted authority of a city to aid and assist the city in the performance of one or more of the city's governmental functions; and

WHEREAS, Chapter 431 requires a local government corporation to be created pursuant to the provisions of Chapter 394, Texas Local Government Code, as amended ("Chapter 394"), and requires a local government corporation's articles of incorporation be in the form and be executed, approved, and filed in the manner prescribed by Chapter 394; and

WHEREAS, a local government corporation may have and exercise all of the powers prescribed by Chapter 431, Chapter 394, and the Texas Non-Profit Corporation Act (formerly Article 1396, Vernon's Texas Civil Statutes, as amended), now codified in the Texas Business Organizations Code as the Texas Nonprofit Corporation Law, as defined in Section 1.008 of the Texas Business Organizations Code, as amended (Chapter 431, Chapter 394 and the Texas Nonprofit Corporation Law are referred to collectively as the "Acts"); and

WHEREAS, Chapter 394 requires as condition to the creation of a local government corporation that at least three (3) residents of the City and the State of Texas (the "State") who are at least eighteen (18) years of age submit a written application for the incorporation of the local government corporation; and

WHEREAS, there has been presented to and filed with the City Clerk of the City of El Paso, Texas (the "City"), an application executed by three (3) residents of the City who meet the requirements of Chapter 394 requesting the incorporation of the City of El Paso Downtown Development Corporation (the "Corporation"); and

WHEREAS, the Corporation will be organized for the purpose of aiding, assisting, and acting for and on behalf of the City in the performance of the City's governmental functions, including, but not limited to: (A) providing a means to develop, implement and finance, or otherwise pay or reimburse, the costs of a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games and related infrastructure as defined in Chapter 334, Local Government Code, as amended (collectively referred to as the "Project") and all of the costs of such Project (the "Project Costs"); (B) issuing bonds and/or notes for the financing of such Project Costs; and (C) leasing, selling, granting, transferring, or otherwise conveying all or a portion of the ownership interest in the Project as permitted by applicable law. In so acting on behalf of the City, the Corporation will assist the City in the performance of the City's governmental functions as contemplated by the Acts; and

WHEREAS, the City Council of the City (the "Council"), as the governing body of the City, has reviewed and approved the proposed form of the Articles of Incorporation attached hereto as **Exhibit A** and has determined to authorize and approve the creation of a local government corporation, a nonprofit entity, as its constituted authority and instrumentality to accomplish the purposes set forth in Article IV of such Articles of Incorporation pursuant to the provisions of Chapter 431; and

WHEREAS, the Council hereby finds and determines that the adoption of this Resolution is in the best interests of the citizens of the City;

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

SECTION 1. The Council hereby finds, determines, and declares that the application for the incorporation of the City of El Paso Downtown Development Corporation was executed and filed in the manner required by Chapter 394, and the Council therefore has authority to consider and act on the application for incorporation of the Corporation.

SECTION 2. The Council hereby finds, determines, recites, and declares that it is wise, expedient, necessary and advisable that the Corporation be formed, be created and be organized under the provisions of Chapter 431 and, to the extent required by Chapter 431, the provisions of Chapter 394, as a duly constituted authority of the City, and the Corporation is hereby authorized to aid, assist and act on behalf of the City in the performance of its governmental functions; and to perform the other purposes described in the Articles of Incorporation.

SECTION 3. The Corporation may aid, assist, and act for and on behalf of the City to further the public purposes set forth in Article IV of the Articles of Incorporation, as the same may be amended from time to time. In furtherance of those public purposes, the Corporation may cause and arrange for the design, development, construction, implementation, financing and operation of the Project, pursuant to the provisions of State law, and may take all lawful actions necessary or useful in furthering such public purposes.

SECTION 4. The Corporation is hereby designated as the duly constituted authority and instrumentality of the City (within the meaning of those terms in the regulations of the Treasury and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to section 103 of the Internal Revenue Code of 1986, as amended) and shall be authorized to act on behalf of the City for the public purposes set forth in Section 3 hereof; but the Corporation is not intended to be and shall not be a political subdivision or a political corporation within the meaning of the Constitution and the general laws of the State, including without limitation Article III, Section 52 of the State Constitution, and the City does not delegate to the Corporation any of its attributes of sovereignty, including the power to tax, the power of eminent domain, or its police power.

SECTION 5. This Resolution is adopted for the purpose of satisfying the conditions and requirements of the Acts and of section 103 of the Internal Revenue Code of 1986, as amended, and the regulations prescribed thereunder from time to time and for the benefit of the Corporation, the City, the owners or holders from time to time of the bonds or notes of the Corporation, and all other interested persons.

SECTION 6. The Council hereby approves the Articles of Incorporation of the Corporation in substantially the form attached hereto as **Exhibit A**, and incorporated by reference as a part of this Resolution for all purposes, and authorizes the incorporators of the Corporation to file such Articles of Incorporation with the Secretary of State of the State in the manner provided by law.

SECTION 7. The Council hereby appoints the directors listed in the Articles of Incorporation attached hereto to the initial board of directors for the Corporation. Subsequent Directors shall be appointed as provided in the bylaws to be adopted by the Corporation.

SECTION 8. The Council appoints Mayor John Cook as the initial Chairperson of the board of directors. Subsequent chairpersons shall be designated as provided by the bylaws to be adopted by the Corporation.

SECTION 9. The Corporation may, under the conditions set forth in the Acts and in this Resolution, issue, or provide for the issuance of, bonds or notes, acquire, lease, sell or convey certain properties, and enter into purchase agreements, lease agreements, credit agreements, operating agreements and all other agreements necessary or useful in connection with the Project; provided that the Corporation shall not issue bonds or notes without the consent of the Council. Furthermore, bonds or notes issued by the Corporation shall be deemed not to constitute a debt of the State, the City, or of any other political corporation, subdivision, or agency of the State or a pledge of the faith and credit or taxing power of any of them, but such bonds or notes shall be payable solely from the revenues pledged to the payment of such bonds or notes. In no event shall the Corporation be authorized to levy ad valorem taxes.

SECTION 10. The Council hereby finds, determines, recites and declares that any notes, bonds, loans, debts or other obligations of the Corporation shall not be deemed an indebtedness, liability, general or moral obligation or pledge of the faith or credit of the State, the City or any other political subdivision or governmental unit, nor shall any such notes, bonds, loans, debts or other obligations constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction or any agreement, obligation or indebtedness of the City or of the State within the meaning of any constitutional or statutory provision whatsoever.

SECTION 11. The Council hereby finds, determines, recites and declares that it is the purpose, intent and desire of the City, in approving the creation of the Corporation and its Articles of Incorporation, that such actions and the Corporation hereby authorized comply with the requirements of the Internal Revenue Code 1986, as amended, and the Treasury Regulations and Internal Revenue Service rulings promulgated thereunder and the

rulings issued pursuant thereto, such that the Corporation shall be deemed to be a constituted authority acting on behalf of the City pursuant to the provisions of the Chapter 431.

SECTION 12. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are incorporated by reference and are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 13. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordained herein.

SECTION 14. This Resolution shall be construed and enforced in accordance with the laws of the State and the United States of America.

SECTION 15. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 16. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 17. This Resolution shall become effective from and after its date of passage in accordance with law.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer and Mr. Paul Braden, outside bond counsel presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Byrd, Acosta, Niland, and Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Niland, seconded by Representative Byrd, and carried to **APPROVE** a Resolution authorizing and approving the creation of the City of El Paso Downtown Development Corporation pursuant to Subchapter D of Chapter 431 of the Texas Transportation Code to aid, assist and act for and on behalf of the City in the financing and development of the Ballpark Venue Project; approving the Articles of Incorporation; appointing the Initial Directors and Chairperson; and containing findings and other provisions relating to other matters incidental and related thereto; and providing for an effective date.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland

NAYS: Representatives Robinson and Holguin

.....
11A.

ORDINANCE 17914

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING LEGALLY DESCRIBED 451.3581 ACRE PARCEL OF LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS TRACT 1A, SECTION 19, A PORTION OF TRACT 1, SECTION 20, A PORTION OF TRACT 1, SECTION 29 AND A PORTION OF TRACT 1, SECTION 30, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY**

COMPANY SURVEYS FROM R-F (RANCH AND FARM) TO SCZ (SMARTCODE ZONE). PROPERTY OWNER: CITY OF EL PASO. PZRZ12-00032

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Robinson and Byrd commented.

Ms. Pat Aduino, consultant for the El Paso Water Utilities commented.

Motion duly made by Representative Robinson, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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11B1.

ORDINANCE 17915

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS ALL OF TRACT 2C, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, AND A PORTION OF YSLETA – CARLSBAD CUT-OFF ROAD (ZARAGOZA ROAD), EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: SOUTHWEST OF THE INTERSECTION OF PEBBLE HILLS BOULEVARD AND ZARAGOZA ROAD, PROPERTY OWNER: GENAGRA, LP AND COUNTY OF EL PASO. AN08-009 (SUB08-00129)**

Motion duly made by Representative Noe, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
11B2.

ORDINANCE 17916

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 2C, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS AND A PORTION OF YSLETA-CARLSBAD CUT-OFF ROAD (ZARAGOZA ROAD), EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO A-3, (APARTMENT); PARCEL 2: A PORTION OF TRACT 2C, SECTION 46, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS AND A PORTION OF YSLETA-CARLSBAD CUT-OFF ROAD (ZARAGOZA ROAD), EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3**

(COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: SOUTH OF PEBBLE HILLS BOULEVARD AND WEST OF ZARAGOZA ROAD. PROPERTY OWNER: GENAGRA L.P. ZON08-00080

Motion duly made by Representative Noe, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
11C.

ORDINANCE 17917

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO EL PASO COMMUNITY COLLEGE FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REPAIR OF A 1000 LINEAR FOOT SUBSURFACE FIBER OPTIC CABLE WITHIN PORTIONS OF CITY RIGHT-OF-WAY BENEATH RIO GRANDE AVENUE BETWEEN OREGON STREET AND KANSAS STREET FOR A TERM OF FIFTEEN YEARS WITH TWO RENEWABLE FIFTEEN YEAR TERMS. (NESV12-00012)**

Representative Ortega commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
12.

ORDINANCE 17918

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE WITH TEXAS TECH UNIVERSITY HEALTH SCIENCE CENTER FOR THE LEASE OF THE AB FALL MANSION LOCATED AT 1725 ARIZONA, EL PASO, TEXAS FOR A THREE YEAR TERM AT RENTAL AMOUNT OF ONE DOLLAR PER ANNUM AND TWO ONE-YEAR EXTENSIONS. LESSEE WILL BE RESPONSIBLE FOR ALL UTILITIES, REPAIR AND MAINTENANCE DURING THE TERM AND ANY EXTENSIONS.**

Ms. Jane Tomchik, Real Estate Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Niland, Robinson, Holguin, Acosta, Byrd, Noe, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.
- 3. Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Frank Stout, Texas Tech Health Services, Chief Financial Officer, commented.

Motion duly made by Representative Acosta, seconded by Representative Noe, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative Niland

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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13.

ORDINANCE 17919

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.160 (SCHEDULE XV - CITY TAXICAB ZONE) TO ADD LOCATIONS ON ANTHONY STREET AND DURANGO DRIVE, THE PENALTY BEING AS PROVIDED IN SECTION 1.08.010-1.08.030 AND 6.16.110, OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Ortega and Byrd commented.

The following City staff members commented:

- 1. Mr. Ted Marquez, Deputy Director of Department of Transportation
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Motion duly made by Representative Niland, seconded by Representative Noe, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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14.

ORDINANCE 17920

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE WITH EL PASO MOTORSPORTS, INC., DBA SUN CITY BUILT, FOR THE SALE OF PROPERTY AT 6212 FIESTA DRIVE, EL PASO, TEXAS IN THE AMOUNT OF \$32,000.**

Motion duly made by Representative Niland, seconded by Representative Byrd, that the Ordinance be **ADOPTED.** Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED.**

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15. INTERNATIONAL BRIDGES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **DELETE** the public hearing on an Ordinance authorizing the City Manager to sign a lease with Ruben Vargas DBA Border Parking for the lease of approximately 9084 square feet of land located on a portion of lots 11 through 18, Block 44, Campbell Addition in the City of El Paso, Texas, for an initial four-year term and initial rental amount of \$20,700 per annum and two three-year options to extend with annual 5% rental increases.

Mayor Cook and Representative Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Said Larbi-Cherif, Director of International Bridges

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16.

ORDINANCE 17921

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.18 (OUTDOOR LIGHTING CODE) SECTIONS 18.18.060 (DEFINITIONS) AND 18.18.150 (RECREATIONAL FACILITIES) OF THE EL PASO CITY CODE TO EXEMPT CITY PARKS FROM THE LUMENS PER ACRE, THE PENALTY BEING AS PROVIDED IN SECTION 18.18.400 (VIOLATIONS) OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Acosta commented.

Mr. Richard Garcia, Park Planning & Development, commented.

Motion duly made by Representative Ortega, seconded by Representative Noe, that the Ordinance be **ADOPTED.** Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
17A. CITY DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPROVE** with the exclusion of the private sector that the City Development Department staff draft an ordinance implementing urban design standards/criteria for public assembly use buildings to include all City of El Paso civic buildings and schools. Furthermore, that staff develop a process by which civic buildings and schools are vetted through an Architectural Design Review Committee to ensure compliance with urban design standards.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Noe and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

.....
17B. CITY DEVELOPMENT

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **APPROVE** an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHDM12-00001 at 104-106 E. San Antonio Street, El Paso, Texas, on November 19, 2012 to deny a certificate of demolition application for the referenced property, Subject Properties: 104-106 E. San Antonio Street. Applicant: River Oaks Properties, Ltd., PHDM12-00001

Mr. Mathew McElroy, Director of City Development and Ms. Providencia Velazquez, Historic Preservation Officer presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mr. Adam Frank, President of River Oaks Properties, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Lilly, Byrd, Noe, Ortega and Niland commented.

The following members of the public commented:

1. Dr. Max Grossman
2. Mr. Troy Ainsworth

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ITEMS 5A, 5B, AND 5C TO BE HEARD AFTER ITEM 18

18.

RESOLUTION

WHEREAS, on November 6, 2012, the voters of the City of El Paso, Texas approved the issuance of general obligation bonds for the purposes of constructing new and improved amenities for parks and recreation facilities, open space improvements, libraries, museums, the Zoo, neighborhood improvements, and cultural and performing arts facilities;

WHEREAS, the City Council approved a resolution based upon a finding that it is in the best interest of the citizens of El Paso to establish a Bond Overview Advisory Committee to review the progress of the 2012 Bond Issue Projects and to provide oversight and feedback to City staff with regard to project expenditures and implementation; and

WHEREAS, the City Council would like to revise the resolution establishing the 2012 Bond Overview Advisory Committee to delete the requirement that “No member of the BOAC shall hold any other public office of honor, trust or profit in the government of the city, county or state during his or her term of office”,

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

That the August. 14, 2012 resolution which established the 2012 El Paso Bond Overview Advisory Committee is hereby revised in its entirety and shall read as follows:

That a 2012 El Paso Bond Overview Advisory Committee (BOAC) is hereby established as follows:

1. Committee Established—Membership.

The BOAC shall consist of nine (9) members. The Mayor and each City Council Representative shall appoint one member to the BOAC. A majority of all BOAC members shall have business/finance experience, and at least two BOAC members shall have project management experience.

At the first meeting and in January of each year thereafter, the BOAC will choose a Chair, Vice-chair and Secretary from its membership.

The City Engineering & Construction Management Department shall provide administrative support to the BOAC.

2. Terms.

The members of the BOAC will serve staggered terms. The initial terms of BOAC members will be established by lot at the first BOAC meeting, and four (4) members will serve for four (4) years and five (5) members will serve for two (2) years. Initial terms will all run from January 1, 2013. Each successive term thereafter shall be for a four (4) year period. BOAC members shall serve until a qualified successor is appointed unless otherwise provided for in the El Paso City Code. BOAC members shall not serve more than two consecutive terms.

When the term of office of any member expires, the member shall continue to serve until his successor is appointed and qualified, or until thirty (30) days have passed following the expiration of the term, whichever event occurs first. Any holding over past the thirty (30) -day period is prohibited, and after that time a vacancy in the BOAC shall exist and the former member shall have no power to vote or participate in board proceedings.

3. Duties.

The BOAC shall perform the following duties:

- A. The BOAC shall meet at least quarterly to review information from applicable City Departments regarding the voter approved 2012 Bond Issue Projects (2012 Bond Projects) for the purpose of reporting periodically, in conjunction with City staff, but not less than twice a year, to the Mayor and Council on the status of progress of the 2012 Bond Projects.
- B. The Mayor or City Council may request the BOAC to make reports to the general public on the 2012 Bond Projects on a one-time or regular basis.
- C. The BOAC will perform such other duties related to the 2012 Bond Projects as may be requested from time to time by the Mayor.

4. Holding of Office.

Members of the BOAC shall serve without pay.

5. Quorum—Final Action

- A. The number of members of the BOAC required to constitute a quorum shall be equal to a majority of the number of currently appointed regular members; provided that a quorum shall not be less than four. The Chair shall have a vote in all matters.
 - B. No final action shall be taken on any matter except pursuant to a simple majority vote of the members present.
6. Meeting Rules and Procedures Generally.
- A. Any motion by a BOAC member at a duly called meeting shall require a second. After a motion has been made and seconded, discussion of the motion may be had for a reasonable period of time at the direction of the Chair. Discussion shall terminate at the direction of the Chair or upon a call for a vote on the question by a member of the BOAC.
 - B. Whenever any question of procedure may be raised at a BOAC meeting, the Chair shall rule thereon. A member may move to overrule the Chair's decision, which may be done only by a majority vote of the members present.
 - C. Voting on matters may be by voice vote; provided that a roll-call vote shall be taken upon the request of any committee member present.
 - D. Any question of order or procedure not covered herein shall be decided by reference to Robert's Rules of Order insofar as same may be applicable; provided that the committee may establish its own written rules of order by majority vote at one of its two mandatory meetings.

7. Sunset Provision

The BOAC shall sunset on January 1, 2028, except such date may be extended by resolution of the City Council. The terms of all BOAC members shall automatically expire on the sunset date.

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. David Ochoa
- 3. Mr. Othon Medina
- 4. Ms. Lisa Turner

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and Niland

NAYS: Representatives, Robinson, Noe, and Holguin

19.

R E S O L U T I O N

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

That the City Manager be authorized to sign a License Agreement between Madison River Investments, LLC and the City of El Paso for antenna(s) and related equipment on the roof and in a designated equipment room, necessary to carry out City's public safety communications system at 221 N. Kansas Street, El Paso, Texas for an initial 10-year term with two 10-year options to extend, at an initial

annual rent of \$40,800 and authorizing the City Manager to further negotiate the rental increase, subject to the review and approval of the City Attorney.

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

- 1. Mr. Miguel Gamino, Director of Information Technology
- 2. Ms. Bertha Ontiveros, Assistant City Attorney gave legal advice.

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution and **AUTHORIZE** the City Manager to further negotiate the rental increase not to exceed ten percent and to authorize an expenditure not to exceed \$10,000 to modify the equipment room and access to it.

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20A. MAYOR AND COUNCIL

Discussion and action on implementing citizen engagement software on the City of El Paso's website.

Representative Niland presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on this item.

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20B. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **DELETE** the item regarding the ongoing unpleasant odors in and around the 900 to 1100 block of Pendale Street.

Representative Ortega commented.

Mr. John Batoon, City Prosecutor, gave legal advice.

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20C. MAYOR AND COUNCIL

Discussion and action on the status of ethics training for all city employees and elected officials as required by the city ethics ordinance.

Representative Acosta commented.

Ms. Leila Melendez, Executive Assistant to the City Manager presented a PowerPoint presentation (copy on file in City Clerk's office).

NO ACTION was taken on this item.

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ITEMS TAKEN TOGETHER

ADDITION TO THE AGENDA

1A. MAYOR AND COUNCIL

Discussion and action to provide an update on the \$500,000 allocated for free/low cost spay and neuter program.

1B. MAYOR AND COUNCIL

Discussion and action to provide an update on what is being done to ensure proper measures are being taken to provide the adequate cleaning/disinfection/sanitizing of kennels at the animal shelter. And that all animals are being treated and quarantine in a proper manner.

1C. MAYOR AND COUNCIL

Discussion and action to provide information regarding impounded animals to insure compliance with Texas State Health and Safety Codes and other applicable state/local laws.

Dr. Nina Cloud, City Veterinarian presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Lilly, Robinson, Holguin, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Kurt Fenstermacher, Interim Director of Environmental Services

The following members of the public commented:

- 1. Mr. John Conwell, No Kill El Paso
- 2. Ms. Barbara Valencia, El Paso Against Puppy Mills, read letter from Michael Larson.

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

NO ACTION, other than the above procedural Motion, was taken on the item.

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Motion made by Representative Niland, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:44 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 4:04 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Application of El Paso Electric Company to amend its Certificate of Convenience and Necessity for Five Solar Power Generation Projects, Public Utility Commission of Texas Docket No. 39973,SOAH Docket No. 473-12-5297. (551.071)

NO ACTION was taken on this item.

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EX2. Alfredo Chavarria vs. City of El Paso, Cause No. 2012DCV-05878 (551.071)
[City Attorney's Office, Laura P. Gordon (915) 541-4550]

Motion made Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement demand and authorize the City Attorney's Office to continue negotiations in the lawsuit as recommended by the City Attorney and to sign all settlement documents as appropriate in lawsuit styled Alfredo Chavarria vs. The City of El Paso; Cause No. 2012DCV-05878.

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Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 4:06 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk