

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 20, 2011  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Michiel R. Noe, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Carl Robinson, at 8:38 a.m. during Executive Session, Emma Acosta at 8:48 a.m. during Executive Session; Ann Morgan Lilly at 9:04 a.m.; Steve Ortega at 9:23 a.m. The invocation was given by Police Chaplain Charlie Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

**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](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 9:00 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. Mr. John Conwell
2. Ms. Wallie Chech
3. Ms. Lisa Turner
4. Ms. Celeste Herget
5. Mr. Roberto Castor
6. Mr. Tom Brown
7. Mr. Salvador Gomez
8. Mr. Jorge Artalejo

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Niland, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 a.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.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, Robinson, and Ortega

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Ortega

The City Council Meeting was **RECESSED** at 9:05 a.m. in order to convene the Special City Council Meeting.

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 The City Council Meeting was **RECONVENED** at 10:19 a.m.  
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**EX1.** Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket Nos. 39868 and 39924 (552.071) [City Attorney's Office, Bertha Ontiveros, (915) 541-4550]

**NO ACTION** was taken on this item.

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**EX2.** Discussion and action regarding claim of The Laster Group. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and carried that the City Manager be authorized to allocate the funds to pay for the services and sign necessary documents in the claim of The Laster Group, Our File No. 11-1051-047.

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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 13, 2011.

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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

**NO ACTION** was taken on this item.

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**3A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Olivia Chavez to the City Accessibility Advisory Committee, by Representative Susie Byrd, District 2.

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**3B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Martin Raymond Wagner to the City Accessibility Advisory Committee, by Mayor John F. Cook.

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**4. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** James W. Wolff to the Zoning Board of Adjustment as a regular member, by Representative Carl L. Robinson, District 4.

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**5.**

**\*RESOLUTION**

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

That the Tariff identified in the Application of El Paso Electric Company for a Revision of its Rate Schedule 11-TOU Time of Use Municipal Pumping Service be suspended for 30 days after the effective date of the tariff, subject to the City's jurisdiction as specified in the filing, and that the City Attorney be authorized to file a Motion of Intervention in the related Application for its Revision of Rate Schedule 11-TOU Time of Use Municipal Pumping Service before the Public Utility Commission of Texas, Docket No. 39919.

Representative Niland commented.

Mr. Norman Gordon, Outside Utility Counsel, commented.

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**6A-6E AND 6G TAKEN TOGETHER**

**6. INTRODUCTIONS**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the following Ordinances, 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

NOT PRESENT FOR THE VOTE: Representative Holguin

**6A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Tract 7-1, (0.833 acre) and Tract 7-K-1 (0.325

acre) and Tract 7-L-1-B (0.009 acre), Block 35; Ysleta, an Addition to the City of El Paso, El Paso County, Texas to City of El Paso.

**PUBLIC HEARING WILL BE HELD ON JANUARY 3, 2012 FOR ITEM 6A**

- 6B.** An Ordinance changing the zoning of all of North Hills Unit Eight, City of El Paso, El Paso County, Texas from R-5/sc/c (Residential/special contract/condition) to R-MU (Residential Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6C.** An Ordinance releasing all conditions placed on property by Ordinance No. 8953 and Ordinance No. 9647 which changed the zoning of all of North Hills Unit Eight, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6E.** An Ordinance changing the zoning of Lots 15 and 16, Richard Lee Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-MU (Residential –Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6F.** An Ordinance changing the zoning of Lots 80 and 81, Sunrise Acres No. 2, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-MU (Residential–Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6G.** An Ordinance changing the zoning of Tracts 154 and 155, Sunrise Acres No. 2, City of El Paso, El Paso County, Texas from R-4 (Residential) to R-MU (Residential–Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 17, 2012 FOR ITEMS 6B –6C & 6E – 6G**

- 6D.** An Ordinance granting Special Permit No. PZST11-00010, to allow for Infill Development and a Parking Reduction on the property described as North 45 ft. of Lots 1 and 2, the North 45 ft. of the West 5 ft. of Lot 3, and the North 40 ft. of the East of Lot 3, Block 32, East El Paso Addition, 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: 2900, 2902 Rosa Avenue. Property Owner: Family Crisis Shelter of El Paso. PZST11-00010 **(District 8)**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **POSTPONE** 2 weeks the Introduction of the Ordinance

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

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**7A.**

**ORDINANCE 17693**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 6, SECTION 29, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office)

Representatives Byrd and Robinson, commented.

Ms. Beverly Stipe, Owner, commented.

Motion duly made by Representative Robinson, 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, 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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**7B.**

**ORDINANCE 17694**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACT 1A1 AND 3B5, SECTION 41, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Robinson 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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**7C.**

**ORDINANCE 17695**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 12, 13, 14 SAVE & EXCEPT THAT PORTION OF LOT 13 PREVIOUSLY CONVEYED TO THE STATE OF TEXAS IN WARRANTY DEED RECORDED IN VOLUME 211, PAGE 313, REAL PROPERTY RECORD, BLOCK 52, MAP NO 2. OF GOVERNMENT HILL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented

Mr. David Aguirre, citizen, commented.

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED, AS REVISED**. 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, AS REVISED**.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore, Lilly to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

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

NAYS: None

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**7D1. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made, seconded, and unanimously carried to **POSTPONE** five weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

Mr. Mathew McElroy, Deputy Planning and Economic Development, commented.

Representatives Byrd, and Ortega, commented.

Ms. Joyce Wilson, City Manager, commented.

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**7D2. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made, seconded, and unanimously carried to **POSTPONE** five weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

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**ITEMS 8A – 8C TAKEN TOGETHER**

**8A.**

**ORDINANCE 17696**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LEASE TO TRANSTELCO, INC. OF A PORTION OF THE CITY'S EXISTING UNDERGROUND CONDUIT SYSTEM IN DOWNTOWN AND SOUTH EL PASO FOR A FIBER OPTIC CABLE TELECOMMUNICATIONS SYSTEM. THE FOLLOWING CONSIDERATION IS TO BE PAID TO THE CITY: ANNUAL LEASE FEE \$12,524.70.**

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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:

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

**8B. INFORMATION TECHNOLOGY**

**ORDINANCE 17697**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LICENSE TO TRANSTELCO, INC. TO CONSTRUCT, MAINTAIN AND USE A SINGLE CONDUIT INNERDUCT ON THE STANTON STREET INTERNATIONAL BRIDGE PROPERTY FOR THE PURPOSE OF INSTALLING FIBER OPTIC CABLE FOR ITS TELECOMMUNICATIONS NETWORK; THE FOLLOWING CONSIDERATION IS TO BE PAID TO THE CITY: ANNUAL LICENSE FEE \$25,526, AND ANNUAL BRIDGE FEE \$7,068. FEES SHALL BE SUBJECT TO A 5% ANNUAL ESCALATION.**

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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**.

**8C.**

**RESOLUTION**

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

The City Manager be authorized to execute the following documents between the CITY OF EL PASO and TRANSTELCO, INC.:

- 1) Memorandum of Agreement summarizing the various agreements between the parties, the terms of payment and amounts owed by company to the City, and clarifying certain rights and obligations of the parties.
- 2) Amendment to Fiber Lease Agreement revising the City's existing lease of 144 fiber strands along 134,239 linear square feet of conduit owned by the company and the related Memorandum of Fiber Lease.

- 3) Amendment to Maintenance Agreement revising the maintenance of City's leased fiber strands along 134,239 linear square feet of conduit owned by the company.
- 4) Memorandum of Conduit Lease related to the Lease of City Conduit the company's lease and installation of fiber along a 10,285 linear square foot city-owned conduit in the downtown area.

Ms. Risher Gilbert, Gilbert Law Firm, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Lilly commented.

The following City Staff Members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Miguel Camino, IT Director

Ms. Lisa Turner, citizen, commented.

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**ITEMS 9 (1) THROUGH 9(4) TAKEN TOGETHER**

**9 (1)**

**ORDINANCE 17698**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELATING TO THE CREATION OF A TEMPORARY DIVISION OF MUNICIPAL COURT NUMBER FIVE.**

Motion duly made by Representative Byrd, 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:

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

**9 (2) MUNICIPAL CLERK**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** budget transfer BT2012-0262 to set up funding from Environmental Services for Municipal Clerk for the purpose of establishing a temporary court. This temporary court will focus on traffic cases, along with the other four elected courts, freeing Court #1 to focus exclusively on environmental cases.

Environmental Services will cover the operating costs of approximately \$136,626 for an entire year. This budget transfer for \$91,151 for Municipal Clerk (Department ID 11010011, Fund 40403, various accounts) will cover FY 2012 operating costs. An additional \$45,475 will be budgeted in FY 2013 for the balance of operating costs.

- Increase \$91,151 Environmental Services Fund Balance
- Increase \$66,182 Personal Services
- Increase \$ 3,169 Contracted Services
- Increase \$ 400 Materials and Supplies
- Increase \$21,400 Operating Expenditures

The Municipal Court Security Fund Dept ID 11150051, Security Fund 15438, Account 502212 will cover the security costs of approximately \$4,171 for an entire year with an estimated \$2,781 to be spent in FY 2012 and the balance of \$1,390 to be spent in FY 2013.

**9 (3) MUNICIPAL CLERK**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPOINT** Cheryl (Lay) Davis as Associate Municipal Court Judge for Temporary Municipal Court 5-T for the term of the Court.

**9 (4) MUNICIPAL CLERK**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPOINT** Marina Chavez, Luis Labrado and Victor Salas as on-call Associate Municipal Court Judges.

Mayor Cook and Representatives Byrd, Acosta, Holguin, and Ortega commented.

Ms. Richarda Duffy Momsen, Municipal Clerk, commented.

Ms. Joyce Wilson, City Manager, commented.

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

NAYS: None

ABSTAIN: Representative Niland

Ms. Lisa Turner, citizen, commented.

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**10A.**

**ORDINANCE 17699**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS) OF THE EL PASO CITY CODE, TO ADD A NEW SECTION 14.16.161 (CUSTOMER FACILITY CHARGE) WHICH CHARGE WILL BE PAID BY EACH CUSTOMER RENTING A MOTOR VEHICLE FROM AN ON-AIRPORT VEHICLE RENTAL CONCESSIONAIRE.**

Ms. Monica Lombrana, Director of Aviation, presented a PowerPoint presentation (copy on file in City Clerk's office)

Representatives Acosta and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Acosta, 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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**10B.**

**ORDINANCE 17700**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.54 (TOWING REGULATIONS AND FEES) TO AMEND SECTION 12.54.060 (FEES FOR POLICE ORDERED TOWING SERVICES – IMPOUNDMENT) TO ADD A SECTION PROVIDING FOR AN IMPOUNDMENT FEE AS ALLOWED BY STATE LAW; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010B OF THE EL PASO CITY CODE.**

Representative Holguin commented.

Commander Zina Silva, Police, commented.

Laura Garcia, Administrative Services, Police Department, commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Byrd, seconded by Representative Acosta, 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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**10C.**

**RESOLUTION**

**RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2012 BUDGET RESOLUTION**

**WHEREAS**, the City Council adopted the Budget Resolution for FY 2012 on August 23, 2011; and

**WHEREAS**, paragraph 47 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

**WHEREAS**, the City Council desires to revise Title 14 to add a new Section 14.16.161 and establish a Customer Facility Charge which will be paid by each customer renting a motor vehicle from an On-airport Vehicle Rental Concessionaire; and

**WHEREAS**, the City Council desires to establish an additional fee for impoundment of vehicles by City-owned facilities, as allowed by state law, as established in Title 12 of the City Code, and to correct the description of the fees for notification by registered mail; and

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

1. That Schedule C, attached to the FY2012 Budget Resolution and effective September 1, 2011, shall be amended, effective February 1, 2012, as set forth in Attachment A, to establish the amount of the Customer Facility Charge imposed on each customer renting a Motor Vehicle from an On-Airport Vehicle Rental Concessionaire.

2. That Schedule C, attached to the FY2012 Budget Resolution and effective September 1, 2011, shall be amended, effective December 20, 2011, as set forth in Attachment B, to establish an impoundment fee as listed therein and authorized by the revisions to Title 12 Vehicles and Traffic.

Ms. Lynly Leeper, Office of Budget and Management, presented a PowerPoint presentation (copy on file in City Clerk's office)

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

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

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**11. COMMUNITY AND HUMAN DEVELOPMENT**

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **WAIVE** the deadline for the El Paso Child Guidance Center submission of supporting documentation for its application for Community Development Block Grant (CDBG) Public Services funding for the 38<sup>th</sup> Year (2012-2013).  
**THE MOTION FAILED.**

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

Mr. William Lilly, Director of Community and Human Development, commented.

Representative Acosta, Byrd, Robinson, Noe, and Holguin commented.

Mr. Michael Yeary, El Paso Child Guidance Center, commented.

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**12. MUSEUMS AND CULTURAL AFFAIRS**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **APPROVE** a Resolution that the 2012 Public Art Plan for the City of El Paso, Texas ("the Plan"), attached hereto, be and is hereby officially adopted;

That the Plan includes new projects to be initiated in the 2012 fiscal year, and describes the planned location, proposed budget, timetable and artist selection process for each project, and contains updates on public art projects in progress;

That the adoption of the Plan is fully funded through 2009, 2010, and 2011 certificates of obligation; and

That the City Manager or a designee is authorized to enter into contracts to carry out the Plan as described in Exhibit "A"

Mr. Sean McGlynn, Museums and Cultural Affairs, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

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

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**13A. MAYOR AND COUNCIL**

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **APPROVE** on encouraging investment in the Five Points area plan in a manner that is in keeping with the character of the area by 1. Instituting a 100 percent parking reduction, 2. By increasing street parking and 3. By prohibiting parking in the first 20 feet of right-of-way.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Niland, and Noe, commented.

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

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**13B. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE** the City's position as it relates to the proposed U.S. Congressional Re-Districting proposals.

Ms. Sylvia Firth, Intergovernmental Affairs, commented.

Representatives Ortega, Acosta, Byrd, and Robinson, commented.

Ms. Marie Taylor, Assistant City Attorney presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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**13C. MAYOR AND COUNCIL**

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **APPOINT** Sylvia Borunda Firth as the City Attorney effective December 20, 2011 and to **APPROVE** an employment agreement between the City and Sylvia Borunda Firth for a period of five years with a full buyout if terminated before three years.

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

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Batoon, Assistant City Attorney, gave legal advice
3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice
4. Ms. Sylvia Firth, Intergovernmental Affairs.

The following Citizens commented:

1. Mr. Tom Brown
2. Ms. Lisa Turner
3. Mr. Salvador Gomez

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**13D. MAYOR AND COUNCIL**

**1<sup>st</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 2:04 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

**2<sup>ND</sup> MOTION**

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** the Executive Session at 2:13 p m. and **RECONVENE** the meeting of the City Council.

Motion made by Representative Ortega, seconded by Representative Niland, and carried to **APPROVE** the City of El Paso’s Legal Department to offer inducements for re-development of Kress and or pursue any and all legal options for the preservation of the “The Kress Building.”

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

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**13E. MAYOR AND COUNCIL**

Update by Representative Steve Ortega concerning bridge wait times.

Representative Ortega commented.

Representatives Acosta and Niland commented.

Dennis Melones, Executive Director, Central Business Association, commented.

**NO ACTION** was taken on this item.

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 Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **ADJOURN** this meeting at 2:24 p. m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk