

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
January 3, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Carl Robinson, and Emma Acosta at 8:34 a.m., Susie Byrd, at 8:37 a.m.; and Eddie Holguin, Jr. at 8:50 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **Crime Stoppers Month**
2. **Dr. Martin Luther King, Jr. Food Drive Week**

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 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. Sergio Hernandez
2. Mr. Jorge Artalejo

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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Motion made by Representative Ortega, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 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 Byrd, Acosta, Robinson, and Holguin

Motion made by Representative Robinson, seconded by Representative Niland, and unanimously carried to adjourn the Executive Session at 9:11 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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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. (551-071)

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding 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.

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EX2. Patriot Place, Ltd., Bankruptcy Case No. 11-31024-hcm. (551.071)

NO ACTION was taken on this item.

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EX3. 720 E. Overland Avenue, El Paso, Texas (551.072)

NO ACTION was taken on this item.

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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, Holguin, Ortega, and Niland

NAYS: None

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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 20, 2011 and Special City Council Meeting of December 20, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, the mission of the Museums and Cultural Affairs Department (MCAD) is to assist in developing a world-class arts community in El Paso, Texas; and

WHEREAS, the mission of the El Paso Museum of Art (the "Museum") is to collect, interpret, preserve and exhibit works of art that maintain and support the strengths of the Museum's permanent collections of American, European, and Mexican art; and

WHEREAS, the Museum recognizes the region's diverse cultures through exhibitions; and

WHEREAS, the Museum is the only accredited art museum within a 250-mile radius, is located both in the heart of downtown El Paso and blocks away from the U.S.-Mexico border, and is thus uniquely positioned to host art from various Mexican art institutions; and

WHEREAS, the Museum has the capacity to offer the citizens of the region and visitors the opportunity to appreciate in person various collections of Mexican art, some of which has been designated as national treasures of Mexico, thus furthering the spirit of the mission of the Museum; and

WHEREAS, the temporary art loan contract agreements between the Museum and individuals or entities desiring to loan Mexican art to the City will be in substantial conformity with the form attached hereto as Exhibit "A", and as approved by the City's Legal Department.

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

THAT the Director of the El Paso Museum of Art be authorized to sign one or more temporary art loan contracts with one or more parties in substantial conformity with the form agreement appearing in Exhibit "A" and as approved by the City's Legal Department, for the following exhibits:

- 1) Inspiración Cubismo Rivera Picasso
- 2) Dibujos Mexicanos Colección del Museo Nacional de Arte
- 3) Magnitud Mexicana: Visions of Art from Mexican Collections.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Frederic Dalbin to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook.

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5A - 5 B INTRODUCTIONS

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, 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, Holguin, and Ortega
NAYS: None
NOT PRESENT: Representative Niland

5A. An Ordinance granting a Non-Exclusive Franchise to Loretto Investment Corporation, to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms

and conditions described herein. The penalty as provided in Section 9.04.630 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 17, 2012, FOR ITEM 5A

5B. 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.

PUBLIC HEARING WILL BE HELD ON JANUARY 31, 2012, FOR ITEM 5B

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6.

ORDINANCE 17701

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.80 (TABLES) OF THE EL PASO CITY CODE TO MODIFY STANDARDS FOR THE T40 TRANSECT (GENERAL URBAN ZONE – OPEN) TO INCREASE THE HEIGHT AND NUMBER OF BUILDING STORIES ALLOWED IN T40. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 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 Acosta and Ortega commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Byrd, 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**.

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7.

ORDINANCE 17702

The City Clerk read an Ordinance entitled: **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.**

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Jose Padilla, outside tax counsel, commented.

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, Ortega and Niland

NAYS: None

ABSTAIN: Representative 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**.

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8A.

**RESOLUTION AMENDING THE FIRST PARAGRAPH OF
SECTION 13, CALLING AND ORDER OF AGENDA ITEMS,
OF THE RULES OF ORDER FOR THE EL PASO CITY COUNCIL**

Paragraph 1 of Section 13:

SECTION 13. CALLING AND ORDER OF AGENDA ITEMS

The Regular meetings of the City Council shall ordinarily begin at 8:30 a.m. with the Invocation and Pledge of Allegiance. Ceremonial items, including proclamations, will be presented next at the direction of the presiding officer, not to exceed thirty (30) minutes. The public comment (call to the public) portion of the agenda will follow, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by any reports or updates from the City's Committees, Boards and Commissions other than the Legislative Review Committees. The presiding officer will, at his discretion, direct the time at which the Council will consider items posted for the Executive Session.

1st MOTION

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **APPROVE, AS REVISED** the changes regarding City Council Rules of Order with the exception of call to the public. **THE MOTION PASSED.**

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin

NAYS: Representatives Robinson, Ortega, Niland

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

Ms. Joyce Wilson, City Manager, commented.

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

Ms. Lisa Turner, citizen, commented.

2nd AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE, AS REVISED** to move Call to the Public to noon or at the end of the meeting, whichever comes first. **THE MOTION FAILED.**

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

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8B. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Noe, and unanimously carried to **APPROVE** the El Paso Neighborhood Coalition aesthetics campaign.

Mr. Mark Benitez, Chair, Neighborhood Coalition, presented a PowerPoint presentation (copy on file in City Clerk's office)

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

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

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8C.

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 Mayor be authorized to send a letter to State Comptroller, Susan Combs, requesting her assistance in evaluating the negative impacts of the excessive wait times at the ports of entry on the economy of El Paso and the State of Texas. And further requesting that she assist in efforts to allocate State funding for the improvement of infrastructure at the ports of entry to enable the more efficient movement of commerce and people across the international border.

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Said Larbi-Cherif, Director, International Bridges, commented.

Ms. Lisa Turner, citizen, commented.

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

Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **APPROVE** a Resolution.

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8D. MAYOR AND COUNCIL

Discussion and action on El Paso Gas Company gas pipeline on Roseway Drive.

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

Irene Ramirez, Assistant Engineer, Engineering and Construction Management commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Alejandro Limon, and Mr. Pete Parraz, Texas Gas Service, commented.

NO ACTION was taken on this item.

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Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to
ADJOURN this meeting at 11:36 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk