

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
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 5, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrival: Carl Robinson at 8:41 a.m. The invocation was given by Border Patrol Chaplain Linda Camacho, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. BLACK HISTORY MONTH
2. NATIONAL APARTMENT CAREERS 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. Mr. Othon Medina
2. Ms. Wally Cech
3. Mr. Salvador Gomez

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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 January 29, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3.

***RESOLUTION**

WHEREAS, the City Council finds that participation by the City in the 7th Annual El Paso Marathon will provide direct benefits to the public in the form of public safety services; and

WHEREAS, the City Council finds that participation in the Event by the City constitutes an important public purpose, including the providing of economic and health benefits to the City, and it will serve as a rallying point for community spirit and support; and

WHEREAS, the Texas Tax Code § 351.101 authorizes use of the Hotel Occupancy Tax to promote tourism and the convention hotel and hotel industry, and the Parties believe that this cooperative agreement will provide a mutual benefit to both parties, those persons served by each party, and serve a governmental purpose of providing tourism and economic impact for the benefit of the taxpayers of both the City and the County by providing promotion of El Paso.

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

That the City Manager be authorized to execute a contract between the City of El Paso and the El Paso Marathon Foundation to provide for the public safety, street cleaning, and solid waste removal costs, in an amount not to exceed \$25,000 from the City’s Hotel Occupancy Tax Fund for the 7th Annual El Paso Marathon, and that Council finds a public purpose in supporting the Marathon in light of the event’s economic and health benefits to the City as well as the Marathon serving as a rallying point for community spirit and support.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and carried to **RE-APPOINT** Andrew R. Haggerty to the Building and Standards Commission, as a regular member, in the category of Real Estate Broker, by Representative Carl L. Robinson, District 4.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Christina N. Contreras to the Building and Standards Commission, as a regular member in the category of Community Affairs, by Representative Susie Byrd, District 2.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Anna Louise Perez to the El Paso Bond Overview Advisory Committee by Representative Eddie Holguin, Jr., District 6.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jayvant Kumar Desai to the Tax Increment Reinvestment Zone Number 6 by Representative Eddie Holguin, Jr., District 6.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Francoise A. Feliberti to the Parks and Recreation Advisory Board by Representative Eddie Holguin, Jr., District 6.

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ITEMS TAKEN WITH EXECUTIVE SESSION 6 AND 12A

6. CITY ATTORNEY

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DIRECT** the City Attorney to draft another Ordinance with further amendments. Limit Ordinance to aggressive solicitation, restrict people from median, allow private owners to put signs on their property prohibiting solicitation and to work with the El Paso Police Department.

Representatives Byrd, Robinson, and Niland commented.

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

Assistant Police Chief Robert Feidner commented.

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ITEMS TAKEN TOGETHER

7A.

ORDINANCE 17939

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOT 8, BOOTHVILLE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8630 NORTH LOOP DRIVE. PROPERTY OWNER: SOCORRO BENAVENTE. PZDS12-00009**

7B.

ORDINANCE 17940

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 8, BOOTHVILLE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO P-R II (PLANNED RESIDENTIAL 2). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8630 NORTH LOOP DRIVE. PROPERTY OWNER: SOCORRO BENAVENTE. PZRZ12-00023**

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

Motion duly made by Representative Ortega, seconded by Representative Byrd, that the Ordinances 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 Ordinances, the same be and the same are hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER

7C. CITY DEVELOPMENT

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **DENY** the public hearing on 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

7D. CITY DEVELOPMENT

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **DENY** the public hearing on 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

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

Representatives Robinson, Holguin, Acosta, and Ortega commented.

The following members of the public commented:

1. Mr. Brad Roe, Roe Engineering
2. Mr. Ralph Barron, owner
3. Ms. Doris Brown
4. Ms. Virginia Aguilar
5. Mr. Ted Vasquez
6. Ms. Otilia Flores
7. Ms. Maria J. Gonzalez
8. Mr. Ray Mendoza
9. Ms. Esperanza Luna
10. Ms. Elvira Molina

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7E.

ORDINANCE 17941

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

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

Representative Byrd commented.

Mr. Ray Mancera, representing applicant, 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, 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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TAKEN WITH ITEM 10B

7F.

ORDINANCE 17942

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY) OF THE EL PASO CITY CODE, TO ADD SECTION 12.44.290 (RESTRICTIONS ON PARKING IN DOWNTOWN PARKING DISTRICTS) TO PROVIDE FOR THE CREATION OF DOWNTOWN PARKING DISTRICTS, ISSUANCE AND REVOCATION OF TEMPORARY NEW RESIDENT AND DOWNTOWN PARKING PERMITS AND AUTHORIZING FEES; THE PENALTY BEING AS PROVIDED IN CHAPTERS 12.84 (VIOLATION – PENALTY) AND 12.85 (PARKING VIOLATIONS) OF THE EL PASO CITY CODE.**

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

Representative Niland 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**.

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8A.

ORDINANCE 17943

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.060 (SCHEDULE VI-PARKING TIME LIMITED ON CERTAIN STREETS) TO ADD ALAMEDA AVENUE BETWEEN BUENA VISTA DRIVE AND DELTA DRIVE, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

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

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

Mr. Hector Tapia, 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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8B.

ORDINANCE 17944

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.210 (SCHEDULE XVIII - RESTRICTIONS ON COMMERCIAL VEHICLE PARKING ON RESIDENTIAL STREETS) TO DELETE SAN ANTONIO AVENUE AND OCHOA STREET, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

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

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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8C.

ORDINANCE 17945

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD ROSEWAY DRIVE AND BARKER**

ROAD, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

Motion duly made by Representative Acosta, seconded by Representative Holguin, 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, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Byrd and Ortega

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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8D.

ORDINANCE 17946

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTIONS 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS) AND 12.44.200 (DISABLED PARKING ON PRIVATE PROPERTY), TO ADD A NEW OFFENSE FOR BLOCKING AN ARCHITECTURAL IMPROVEMENT DESIGNED TO AID PERSONS WITH DISABILITIES, THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

The following City Staff members commented:

1. Mr. Ted Marquez, Deputy Director for Department of Transportation.
2. Assistant Chief Police Robert Feidner

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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 and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Ortega

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**.

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9A.

ORDINANCE 17947

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANT DEED CONVEYING 15.0073 ACRES, DESCRIBED AS A PORTION OF SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED NORTH OF U.S. 54 AND NEAR THE NORTHWEST CORNER OF MARCUS URIBE AND ROBERT LENNOX DRIVE IN NORTHEAST EL PASO AND TO**

EXECUTE A CONTRACT OF SALE, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE, TO THE EL PASO INDEPENDENT SCHOOL DISTRICT. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM.

Ms. Lupe Cuellar, Land Manager and Counsel for El Paso Water Utilities, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Ortega and 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, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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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9B.

ORDINANCE 17948

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED TO CONVEY 50.7072 ACRES MORE OR LESS, DESCRIBED AS A PORTION OF SECTION 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED IN THE NORTHEAST CORNER OF SEAN HAGGERTY AND LOMA REAL AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE, TO THE EL PASO INDEPENDENT SCHOOL DISTRICT. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM.**

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

NOT PRESENT FOR THE VOTE: Representative Acosta

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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10A. CITY DEVELOPMENT

Motion made by Representative Noe, seconded by Representative Byrd, and carried to **APPROVE** a request from Georges Halloul, on behalf of River Oaks Properties, LTD for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school and a day care for the

property located south of Zaragoza and east of Tierra Este and legally described as Lot 1, Block 101, Tierra Del Este Unit 21, City of El Paso, El Paso County, Texas.

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

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

Representative Noe commented.

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 ITEM TAKEN WITH 7F

10B.

R E S O L U T I O N

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2013 BUDGET

WHEREAS, the City Council adopted the Budget Resolution for FY 2013 on August 21, 2012; and

WHEREAS, paragraph 45 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 establish the amounts of parking permit fees related to the newly established downtown parking districts.

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

That Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended as set forth in Attachment A to the Resolution Amending Schedule C for the City of El Paso FY 2013 Budget, to establish the amounts of parking permit fees related to the newly established downtown parking districts and made necessary by the proposed revisions to Title 12 Vehicles and Traffic.

**Attachment A
 Department of Transportation**

Add the following lines in Schedule C, attached to the FY 2013 Budget Resolution

<u>Department</u>	<u>Account</u>	<u>Fee Description</u>	<u>Detail</u>	<u>City Code Section</u>	<u>Fee</u>
Department of Transportation	404104	Downtown Parking District – Parking Permit Fee (Initial District Permit)	Downtown Parking	12.44.290	\$30.00
Department of Transportation	404104	Downtown Parking District – Parking Permit Fee (Additional Permits)	Downtown Parking District	12.44.290	\$200.00
Department of Transportation	404104	Downtown Parking District – New Resident Temporary Parking Permit Fee	Downtown Parking District	12.44.290	\$30.00

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

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11. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Acosta, seconded by Representative Noe, and unanimously carried to **ACCEPT** the plan as it is, with a requirement for a yearly update to City Council on the progress and with the requirement that nice signage be erected on the land where projects are being constructed to include City Representatives in the site selection of the projects and to reduce the funding for Coronado Park in order to add that same funding to Westside Community Phase IV, for volleyball design services.

Ms. Irene Ramirez, Interim City Engineer and Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Othon Medina
- 2. Mr. Ray Mendoza

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ITEMS TAKEN WITH EXECUTIVE SESSION 6 AND 12A

12A. MAYOR AND COUNCIL

Discussion and action concerning the Hawkins Plaza bankruptcy proceedings and any other issues related to the Hawkins Plaza Lease.

Representative Acosta commented.

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

Mr. Michael Armstrong, citizen, commented.

NO ACTION was taken on this item.

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12B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action to direct the City Manager to complete the angled parking on Franklin to Mesa and Campbell.

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12C.

RESOLUTION

WHEREAS, the topics of immigration reform, border security, and state and federal cooperation on immigration are concerns that are of great importance to state and local government entities of both sides of the United States-Mexico border;

WHEREAS, the federal government is currently making historic strides to fixing an immigration system that has long been broken;

WHEREAS, every social sector stands to benefit from a reform of our federal immigration system;

WHEREAS, The United States of America is a land of immigrants, and the migration of people and families from all corners of the world has enriched the American culture;

WHEREAS, the El Paso/Juarez Community understands that the border has joined our community both socially and economically;

WHEREAS, in addition to the cultural and social riches the nation receives through our border, our ports of entry drive regional and national economic development approaching \$500 billion in trade and one in 24 American jobs;

WHEREAS, our nation's progress is rooted in values that promote a diversified economy, protect family unity, and opportunity and liberty for all sectors of our society;

WHEREAS, our border enforcement apparatus has reached and surpassed all benchmarks proposed in previous immigration reform discussions including increases in border agents between ports of entry to 22,000, increased border barriers such as 650 total miles of fencing, increased consequences and prosecutions for unauthorized entry, as well as "operational control" of the border by spending \$18 billion last year alone, more than all other federal law enforcement agencies combined including the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Federal Bureau of Investigation. The El Paso sector alone has built 131 miles of border fence at a cost of \$3 million a mile;

WHEREAS, the consequences of this "enforcement first" approach has resulted in a choking effect on regional economic development;

WHEREAS, Washington must make significant investments in and focus on commerce and legal migration in addition to enforcement of immigration laws;

WHEREAS, this is a complex issue that must consider a balanced approach to securing the border that includes building in independent accountability and oversight mechanisms, while still allowing continued commerce, tourism and legal migration;

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

1. That the City of El Paso, and its duly elected Mayor and Representatives, support a reasonable and comprehensive approach to reforming the now broken immigration system.
2. That the City of El Paso supports a bi-national and bi-partisan effort to secure the border that includes adequate staffing and infrastructure at the ports of entry to facilitate and encourage economic growth.
3. That civil and human rights are deeply rooted in the American fabric and must be instilled in all elements of our enforcement apparatus to ensure the humanity of an individual must be recognized and respected.
4. That it is not practical to deport the 11 million undocumented immigrants living within our borders, but that citizenship should be earned by following an established pathway to citizenship.
5. That the comprehensive approach includes accountability for companies who knowingly hire undocumented workers as well as giving employers a reliable way to verify that their employees are here legally.
6. That the immigration system be streamlined to be more efficient in order to attract the best minds to America and encourage foreign graduate students in high demand fields like math, science, and technology to stay after graduation.
7. That legislation should strengthen prohibitions against racial profiling and inappropriate use of force, enhance the training of border patrol agents, increase oversight, and create a mechanism to ensure a meaningful opportunity for border communities to share input, including critiques.

8. That legislation reduce backlogs in the family and employment visa categories so that future immigrants view our future legal immigration system as the exclusive means for entry into the United States.
9. That future waves of illegal immigration be prevented by creating a humane and effective system for these immigrant workers to enter the country and find employment without seeking the aid of human traffickers.
10. That legislation provides businesses with the ability to hire lower-skilled workers in a timely manner when Americans are unavailable or unwilling to fill those jobs while protecting workers by ensuring strong labor protections.
11. That immigration reform provides young people who entered the United States as minor children not knowingly violating immigration laws should be entitled to an expedited pathway to citizenship through military service or the attainment of higher education.
12. That the bi-partisan group of U.S. Senators who rose above the divisive politics of the day to create an agreement in principle should be commended for their work.
13. That the City of El Paso will provide input and support legislation that is effective, responsible, humanitarian and not an encumbrance to international commerce.

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

The following members of the public commented:

1. Mr. Jose Manuel Escobedo, Policy Director for Border Network for Human Rights
2. Ms. Gabriela Castaneda, Border Network for Human Rights
3. Mr. Salvador Gomez
4. Mr. Ray Mancera

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Noe, seconded by Representative Ortega, and unanimously carried to **APPROVE, AS REVISED** the Resolution.

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ITEMS TAKEN WITH EXECUTIVE SESSION 6 AND 12A

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:50 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.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 1:04 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. City of El Paso vs. Greg Abbott, Attorney General of Texas, Cause No. D-1-GN-12-003879 (551.071)

Motion made by Representative Noe, seconded by Representative Byrd, and carried that the City Attorney's Office be directed to prepare and introduce an ordinance defining communications that constitute the transaction of official business of the City of El Paso; declaring communications that must be collected, assembled and maintained; clarifying the duties of the Public Information Officer, and declaring certain communications are local governmental records pursuant to the Texas Local Government Records Act.

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

Mr. Othon Medina, citizen, commented.

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EX2. The Estate of Betty Marcus-Randle a/k/a Betty E. Marcus Randle a/k/a Betty E. Marcus-Randle, Cause No. 2011-00813P (551.071)

Motion made by Representative Noe, seconded by Representative Niland, and unanimously carried that outside counsel for the City of El Paso, in consultation with the City Attorney's Office be authorized to take any and all steps necessary to protect and assert the City's interest and position in the matter entitled The Estate of Betty Marcus-Randle a/k/a Betty E. Marcus Randle a/k/a Betty E. Marcus-Randle, Cause No. 2011-00813P. This Motion is intended to grant broad authority to the Office of the City Attorney, or outside counsel to take whatever action necessary to address these matters, including but not limited to the initiation of and response to litigation, complaints, the filing of motions, any other administrative or judicial proceedings or processes and any actions related to the probate of this Estate, in consultation with the City Manager.

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ADDITION TO THE AGENDA

ADDEX1. Carl Starr vs. The City of El Paso, Texas, et. al.; Cause No. EP-12-CV-0404-FM (551.071)

Motion made by Representative Noe, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand in the lawsuit styled *Carl Starr, et. al. vs. The City of El Paso, et. al.*; Cause No. EP-12-CV-0404-FM.

.....
Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 1:21 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk