

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  
February 7, 2012  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor Pro Tempore Ann Morgan Lilly, present and presiding and the following Council Members answered roll call: Emma Acosta, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Susie Byrd at 8:36 a.m. and Carl Robinson at 8:37 a.m. Requested to be excused: Mayor John Cook. 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. **U.S. – México Cross-Border Cooperation and Innovation Day**

**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 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. Richard Schecter
2. Mr. Thomas Shockley

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**CONSENT AGENDA**

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Mayor Pro Tempore Lilly, 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 31, 2012 and **POSTPONE** one week the approval of Minutes for the Special City Council Meeting of December 19, 2011.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of February 7, 2012.

**3A. SPECIAL APPOINTMENT**

\*Motion made, seconded, and unanimously carried that Daniel Ortiz be **APPOINTED** by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective February 13, 2012 at a salary of \$70,099.70 per annum, plus benefits.

**3B. SPECIAL APPOINTMENT**

\*Motion made, seconded, and unanimously carried that Nathan L. Brown be **APPOINTED** by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective February 24, 2012 at a salary of \$75,000 per annum, plus benefits.

**4A. – 4F TAKEN TOGETHER**

**4A.**

**ORDINANCE 17712**

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF LOT 1, GATEWAY ESTATES, EL PASO COUNTY, TEXAS, AS FILED AND RECORDED IN VOLUME 41, PAGE 13B, PLAT RECORDS OF EL PASO COUNTY, TEXAS AND A PORTION OF THE RIGHTS-OF-WAY OF WINDERMERE AVENUE, BRANDYWINE ROAD AND JOE BATTLE BOULEVARD. SUBJECT PROPERTY: EAST OF JOE BATTLE BOULEVARD AND SOUTH OF WINDERMERE AVENUE, PROPERTY OWNER: RIVER OAKS PROPERTIES, LTD. AN08-004 (SUB08-00092)**

**4B.**

**ORDINANCE 17713**

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF TRACT 1, SECTION 35, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHTS-OF-WAY OF MONTANA AVENUE, (U.S. HWY 62-180), AND ZARAGOZA ROAD. SUBJECT PROPERTY: NORTH OF ZARAGOZA ROAD AND SOUTH OF MONTANA AVENUE, PROPERTY OWNER: RIVER OAKS PROPERTIES, LTD. AN08-006 (SUB08-00094)**

4C.

**ORDINANCE 17714**

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS ALL OF TRACT 1, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHTS-OF-WAY OF EDGEMERE BOULEVARD AND ZARAGOZA ROAD (F.M. 659). SUBJECT PROPERTY: NORTHWEST OF ZARAGOZA ROAD AND SOUTH OF EDGEMERE BOULEVARD, PROPERTY OWNER: RIVER OAKS PROPERTIES, LTD. AN08-008 (SUB08-00096)**

4D.

**ORDINANCE 17715**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, GATEWAY ESTATES, EL PASO COUNTY, TEXAS, AS FILED AND RECORDED IN VOLUME 41, PAGE 13B, PLAT RECORDS OF EL PASO COUNTY, TEXAS AND A PORTION OF THE RIGHTS-OF-WAY OF WINDERMERE AVENUE, BRANDYWINE ROAD, AND JOE BATTLE BOULEVARD 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: EAST OF JOE BATTLE BOULEVARD AND SOUTH OF WINDERMERE AVENUE. APPLICANT: RIVER OAKS PROPERTIES, LTD. PZRZ11-00034**

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

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

4E.

**ORDINANCE 17716**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 35, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHTS-OF-WAY OF MONTANA AVENUE AND ZARAGOZA ROAD FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF ZARAGOZA ROAD AND SOUTH OF MONTANA AVENUE. APPLICANT: RIVER OAKS PROPERTIES, LTD. PZRZ11-00045**

4F.

**ORDINANCE 17717**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 1, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHT-OF-WAY OF EDGEMERE BOULEVARD AND ZARAGOZA ROAD FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**SUBJECT PROPERTY: NORTH OF ZARAGOZA ROAD AND SOUTH OF EDGEMERE BOULEVARD.  
APPLICANT: RIVER OAKS PROPERTIES, LTD. PZRZ11-00041**

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

Representatives Robinson and Noe, commented.

Motion duly made by Representative Noe, seconded by Alternate Mayor Pro Tempore Holguin, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4G.**

**ORDINANCE 17718**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF NELLIE D. MUNDY SURVEY 241, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 6380 BERRINGER STREET. APPLICANT: TGK ARTCRAFT, LLC. PZRZ11-00046**

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

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Ortega that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4H.**

**ORDINANCE 17719**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 20-C, J.L. JOHANNSEN SURVEY NO. 185, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 6010 DONIPHAN DRIVE. APPLICANT: WARREN M. AND THERESA F. PULNER. PZRZ11-00054**

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

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4I.**

**ORDINANCE 17720**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00015, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED CUMULATIVE SETBACKS ON THE PROPERTY DESCRIBED AS LOT 5, BLOCK 3, EMERALD VALLEY ESTATES REPLAT A, 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: 5520 MILRAY DRIVE. PROPERTY OWNER: LUIS VILLAREAL. PZST11-00015**

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4J. PLANNING AND ECONOMIC DEVELOPMENT**

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

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

Representatives Byrd and Niland commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **DENIED**. Whereupon the Mayor Pro Tempore 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: Representative Byrd

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in denial of the Ordinance, the same be and the same are hereby **DENIED**.

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**4K.**

**ORDINANCE 17721**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS) OF THE EL PASO CITY CODE TO REVISE STANDARDS FOR MANUFACTURER IDENTIFICATION SIGNS IN C-3 AND C-4 ZONING DISTRICTS. 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 Niland commented.

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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: Representative Niland

Whereupon the Mayor Pro Tempore 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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**4L.**

**ORDINANCE 17722**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED YARD SETBACKS AND REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS LOT 23 AND THE EAST 16.67 FEET OF LOT 24, BLOCK 62, EAST EL PASO ADDITION, 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: 3118 MISSOURI AVENUE. PROPERTY OWNER: FRANK JR. AND MARIA G. DOMINGUEZ. PZST11-00012**

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

Motion duly made by Representative Niland, seconded by Representative Ortega that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4M.**

**ORDINANCE 17723**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 016588 WHICH CHANGED THE ZONING OF A PORTION OF H.G. FOSTER SURVEY 262, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: EAST OF THE INTERSECTION OF FRANKLIN DOVE AVENUE AND FRANKLIN BLUFF DRIVE. PROPERTY OWNER: HUNT COMMUNITIES, GP, LLC. PZCR11-00004**

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

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**4N.**

**ORDINANCE 17724**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE VEHICULAR ACCESS TO A PORTION OF UPSON AVENUE AND MISSOURI STREET, ALL OF BLOCK Q OUT OF SATTERTHWAITE ADDITION AN UNRECORDED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CITY OF EL PASO. SURW11-00008**

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

Mr. Javier Reyes, Engineering Department, commented.

The following members of the public commented:

1. Mr. Larry Kane, El Paso Scottish Rite
2. Mr. Gary Williams, El Paso Community Foundation

Motion duly made by Representative Niland, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**ORDINANCE 17725**

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR A ONE HUNDRED PER CENT REDUCTION OF CERTAIN FEES SPECIFIED IN TITLE 18, TITLE 19, AND TITLE 20 OF THE EL PASO CITY CODE FOR A PERIOD OF TEN YEARS FOR PROPERTY DEVELOPMENT LOCATED IN THE DOWNTOWN 2015 PLAN AREA.**

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

Representatives Byrd, Acosta, Robinson, Noe, Holguin, and Niland commented.

Ms. Joyce Wilson, City Manager, commented

The following members of the public commented:

- 1. Ms Veronica Soto, Downtown Management District
- 2. Mr. Richard Schechter
- 3. Ms. Lisa Turner

Motion duly made by Representative Niland seconded by Representative Byrd that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**ORDINANCE 17726**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), SECTION 18.08.070 (FENCES), OF THE EL PASO CITY CODE, TO AMEND THE REQUIREMENTS AND STANDARDS FOR ELECTRIFIED FENCES, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

**1<sup>ST</sup> MOTION**

Motion made by Representative Noe, seconded by Representative Robinson To **DELETE** prohibition against electric fences in abutting residential areas.

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

The Motion **FAILS**

## **2<sup>nd</sup> MOTION**

Motion by Representative Noe, seconded by Representative Niland to **DELETE** the masonry wall requirement.

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

The Motion **FAILS**

## **3<sup>rd</sup> MOTION**

Motion made by Representative Noe, seconded by Representative Niland, to **ELIMINATE** the 300 foot requirement.

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

## **4<sup>th</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Noe to **CHANGE** the distance of the perimeter fence from 4" to 8" to close the gap.

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

## **5<sup>th</sup> and FINAL MOTION**

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

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

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

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

The following members of the public commented:

1. Mr. Michael Pate, Sentry Security, presented a PowerPoint presentation (copy on file in City Clerk's office).
2. Mr. Joe Cardenas, Southeastern Freight
3. Mr. Alan Brest, Southeastern Freight
4. Mr. Tom Burke, Old Dominion Freight
5. Ms. Lisa Turner

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6.

**ORDINANCE 17727**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO JOE ROSALES PERMITTING THE ENCROACHMENT OF AN 8 FOOT BY 11 INCH EXISTING STAIRCASE WITHIN PORTIONS OF CITY RIGHT-OF-WAY ON SOUTH OREGON STREET ADJACENT TO THE PROPERTY LOCATED AT 510 SOUTH OREGON STREET. NESV11-00051**

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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

Motion duly made by Representative Niland, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**7A. AND 7B. TAKEN TOGETHER**

**7A. MAYOR AND COUNCIL**

Discussion and action regarding the special election for the recall and related matters and services.

Representatives Acosta and Noe commented.

Ms. Debra Young, citizen, commented.

**NO ACTION** was taken on this item

**7B. MAYOR AND COUNCIL**

Discussion and action on legal matters related to U.S. Congressional redistricting plans for the State of Texas and redistricting litigation in the U.S. District Court for the Western District of Texas, San Antonio Division.

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

Ms. Lisa Turner, citizen, commented.

**NO ACTION** was taken on this item

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**7C. MAYOR AND COUNCIL**

Discussion and report on the Economic Development Summit held in San Antonio, Texas

Representatives Lilly and Byrd commented.

**NO ACTION** was taken on this item

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**7D. MAYOR AND COUNCIL**

Discussion and action on the adjustment of entrance price to local Parks and Recreation Aquatic Centers for disabled citizens, from the price of \$2 to \$1 to match that of the Senior Citizen entrance fee.

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

**NO ACTION** was taken on this item

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**8A.**

**RESOLUTION**

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Grant Agreement (Impact Fund) between the City of El Paso and the University of Texas at El Paso (the "Applicant"), in relation to the Applicant's development of a technology innovation center, to be called the Regional Cyber and Energy Security (RCES) Center, in El Paso, Texas, and direct UTEP (University of Texas at El Paso) and Medical Centers of America (MCA) to come back on an annual bases to report on the project.

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

Representatives Byrd, Acosta, Robinson, Noe, Holguin and Niland commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lynly Leeper, Office of Management and Budget, Director
3. Mr. Marty Howell, Sustainability Manager

The following members of the public commented:

1. Mr. Manuel De La Rosa, Medical Centers of America
2. Mr. Ralph Martinez, University of Texas at El Paso

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

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

NAYS: Representative Holguin

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**8B.**

**R E S O L U T I O N**

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

1. That the City Manager be authorized to execute a Chapter 380 Economic Development Program Grant Agreement (Impact Fund) between the City of El Paso and Medical Center of the Americas Foundation (the "Applicant"), in relation to the Applicant's undertaking of an economic development project consisting of biomedical cluster specific programs and infrastructure projects, which will be a significant economic generator for the City of El Paso and will accelerate the creation of high-technology firms operating in the El Paso region in the targeted industries related to the fields of life sciences, biomedical science, and clean tech and clean energy technologies; and
2. That in approving the Agreement, City Council is waiving the Impact Fund policy requirement in Section III.2., which restricts use of funds for land acquisition in the MCA area to the City only, because it is more cost-effective for Applicant to acquire land itself.

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

Representatives Acosta, Holguin and Ortega commented.

Ms. Lynly Leeper, Director, Office of Management and Budget, commented.

The following members of the public commented.

1. Mr. Rudy Mata, Medical Centers of America Foundation
2. Mr. Hector Gutierrez
3. Ms. Emma Schwartz

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

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

NAYS: Representative Holguin

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**9A. DEPARTMENT OF TRANSPORTATION**

Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Transportation Improvement Program (TIP), 2040 Metropolitan Transportation Plan (MTP) , the Transportation Project List, and funding Match Plan.

Representative Byrd, Ortega and Niland commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Daryl Cole, Department of Transportation
- 3. Mr. Jay Banasiak, Sun Metro Director

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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**9B. DEPARTMENT OF TRANSPORTATION**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Sidewalk Gaps on RTS (Rapid Transit System) Corridors.

Representatives Byrd, Acosta, and Ortega commented.

Daryl Cole, Department of Transportation, commented.

Ms. Jane Shang, Deputy City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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Motion made by Representative Acosta, seconded by Alternate Mayor Pro Tempore Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:37 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 Alternate Mayor Pro Tempore Holguin, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 12:37 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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**EX1.** Application of El Paso Electric Company to Change Rates and Reconcile Fuel Costs, Public Utility Commission of Texas Docket 40094. (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Niland, and unanimously carried that the City Attorney be authorized to file a Motion in Intervention in the Application of El Paso Electric Company for Authority to Change Rates and to Reconcile Fuel Costs, Public Utility Commission of Texas Docket No. 40094.

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

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**EX2.** Claim of State Farm/Carlos Lozano; Our File No. 11-1036-091 (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Ortega, and carried that the City Attorney’s Office be authorized to deny claimant’s settlement demand in the claim of *State Farm/Carlos Lozano*; Our File No. 11-1036-091.

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

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**EX3.** Lorenzo Juarez vs. City of El Paso; Cause No. 2008-3827 (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Byrd, and carried that outside counsel for the City of El Paso be authorized settlement authority to deny Plaintiff’s settlement demand in the lawsuit styled *Lorenzo Juarez vs. City of El Paso*; Cause No. 2008-3827.

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

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**EX4.** Claim of Andrea Mendoza Villa; Our File No. 12-1026-1063 (551.071)

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Mayor Pro Tempore Lilly, and carried that the City Attorney’s Office be authorized to deny claimant’s settlement demand in the claim of *Andrea Mendoza Villa*; Our File No. 12-1026-1063.

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

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**ADD EX1.** Kress Building (551.071 and 551.072)

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

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**ADD EX2.** Claim of Abelardo Pichardo; Our File No. 11-1019-008 (551.071)

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

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Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to  
**ADJOURN** this meeting at 2:27 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk