

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
MARCH 19, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late Arrival: Michiel R. Noe at 8:56 a.m. Absent: Susannah M. Byrd, Eddie Holguin, Jr., and Cortney Carlisle Niland requested to be excused. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

NATIONAL NUTRITION 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. Dr. Anna Perez
3. Dr. Mariana Chew
4. Ms. Lisa Turner
5. Ms. Wally Cech

Mayor Cook commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, 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, Acosta, Robinson, Noe, and Ortega
NAYS: None
ABSENT: Representatives Byrd, Holguin, and Niland

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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 March 12, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Representatives Susie Byrd, Eddie Holguin, Jr., and Cortney Carlisle Niland from the Regular Council Meeting of March 19, 2013.

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3. *RESOLUTION

That the Mayor be authorized to sign the following Interlocal Governmental Agreements between the City of El Paso and the below listed Independent School Districts to allow for joint elections between the City and each Independent School District on May 11, 2013 for the purpose of sharing the costs.

- A. El Paso Independent School District
- B. Ysleta Independent School District

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4. NOTATION OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Carl L. Robinson on February 14, 2013, in the amount of \$500 from Linebarger, Goggan, Blair & Sampson, LLP; on February 19, 2013, in the amount of \$1000 from Irene Epperson; on February 20, 2013, in the amount of \$1,000 from Stanley P. Jobe; on February 27, 2013, in the amount of \$50 from A. Davis; on March 6, 2013, in the amount of \$400 from Rachel B. Harracksingh or Gregory Harracksingh; and on March 9, 2013, in the amount of \$100 from Bruce H. and Susan M. Phillips; on March 11, 2013, in the amount of \$500 from Robert L. Bowling IV; in the amount of \$500 from Robert L. Bowling.

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5A. & 5C. – 5G & 5H. INTRODUCTIONS

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

- 5A.** An Ordinance amending Ordinance No. 017961, calling a Special Election for the submission of Charter Amendments to be held within the City, on May 11, 2013, to correct a scrivener's error in the text under Amendment No. 1 of the Ordinance

PUBLIC HEARING WILL BE HELD ON MARCH 26, 2013, FOR ITEM 5A

- 5C. An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Charitable Solicitations), Chapter 5.15 (Vendors and Solicitors) of the El Paso City Code, to repeal Charitable Solicitation permits and to exempt certain vendors from the license requirement. The penalties are provided in Chapter 5.01.100 of the El Paso City Code.
- 5D. An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Chapter 9.52 (Fire Prevention Code) of the El Paso City Code, to exempt special events permits from the Noise Ordinance. The penalties are provided in Chapter 9.40.140 of the El Paso City Code.
- 5E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Parking Meters), of the El Paso City Code, to exempt parking meter fees for special event permits. The penalties are provided in Chapter 12.84.010 of the El Paso City Code.
- 5F. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Spaces), Chapter 13.28 (Sound Amplifying Devices) and Chapter 13.32 (Temporary Events) of the El Paso City Code to exempt special event permits from the sound amplification permit and to amend the payment and cancellation policy for a special event permit. The penalties are provided in Chapter 13.32.090 of the El Paso City Code.
- 5G. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) of the El Paso City Code, to delete certain additional costs and fees associated with special event permits. The penalty is provided in Chapter 15.08.070 of the El Paso City Code.
- 5I. An Ordinance granting a First Amendment to lease to the University of Texas at El Paso regarding the relocation a portion of the City's existing underground conduit system in downtown and south El Paso for their internal fiber optic telecommunications system and related interlocal services for installation of the fiber. As consideration, the lessee shall pay certain relocation costs and the annual lease fee (\$2,764.54) shall remain the same

PUBLIC HEARING WILL BE HELD ON APRIL 2, 2013, FOR ITEMS 5C – 5G & 5I

5B. INTRODUCTION

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

An Ordinance providing or a waiver of certain fees for special event permits as required in Title 5, Title 9, Title 12, Title 13, and Title 15 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 2, 2013, FOR ITEM 5B

5H. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the introduction on an Ordinance granting a First Amendment to lease to Transtelco Inc. regarding the relocation of a portion of the City's existing underground conduit system in downtown and south El Paso for a fiber optic cable telecommunications system. As consideration the lessee shall pay certain relocation costs and the annual lease fee (\$12,524.70) shall remain the same.

Mayor Cook commented.

Mr. Miguel Gamino, Director of Information Technology, commented.

ITEMS TAKEN TOGETHER

6A.

ORDINANCE 17970

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1, 2, AND 6, BLOCK 6, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND A-2 (APARTMENT) TO SD (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7200 - 7202 NORTH LOOP. PROPERTY OWNER: VICTOR AND ROSA GONZALEZ. PZRZ12-00038**

6B.

ORDINANCE 17971

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 4810 AND SPECIAL CONTRACT OF MARCH 28, 1972, WHICH CHANGED THE ZONING OF A PORTION OF LOTS 1, 2, AND 6, BLOCK 6, STILES GARDENS, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7200-7202 NORTH LOOP. PROPERTY OWNER: VICTOR & ROSA GONZALEZ. PZCR12-00008**

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

Representative Acosta commented.

The following members of the public commented:

- 1. Ms. Elva Villagran
- 2. Ms. Aurelia Roque

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

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

NAYS: None

ABSENT: Representatives Byrd, Holguin, and Niland

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

6C. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject

Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031

Mayor Cook and Representative Robinson commented.

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

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6D.

ORDINANCE 17972

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017764 WHICH AMENDED ORDINANCE NO. 017524 WHICH AMENDED ORDINANCE NO. 017109 WHICH VACATED A PORTION OF BOSTON AVENUE, TO ALLOW A THREE YEAR EXTENSION TO COMPLETE IMPROVEMENTS ON THE PEDESTRIAN WALKWAY AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED TIME FOR COMPLETION. APPLICANT: EP MARCUS INVESTMENTS, L.P. AND EP DEL MESA PARTNERS, L.P. SUBJECT PROPERTY: BOSTON AVENUE BETWEEN MESA ST. AND OREGON ST.**

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

Representative Robinson commented.

Mr. Robert Ayoub, President of Mimco, Inc., commented.

Motion duly made by Mayor Pro Tempore Lilly, 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, Acosta, Robinson, Noe, and Ortega
- NAYS: None
- ABSENT: Representatives Byrd, Holguin, and Niland

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

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7.

ORDINANCE 17973

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE WITH THE EL PASO CITY EMPLOYEES PENSION FUND FOR THE LEASE OF APPROXIMATELY 1,934 SQUARE FEET OF OFFICE SPACE IN THE BUILDING LOCATED ON 51 FEET ON LEON STREET X 120 FEET ON SAN ANTONIO STREET, MORE PARTICULARLY BEING A PORTION OF BLOCK 46, MILLS ADDITION, EL PASO, EL PASO COUNTY, TEXAS, BEING MUNICIPALLY KNOWN AND NUMBERED AS 400 W. SAN ANTONIO STREET, EL PASO, TEXAS., FOR AN INITIAL FIVE-YEAR TERM AND INITIAL RENTAL AMOUNT OF \$11,604 PER ANNUM, INCREASING TO \$15,472 IN YEARS 4-5 AND TWO FIVE-YEAR OPTIONS TO EXTEND WITH ANNUAL 2% RENTAL INCREASES, THE COST FOR THE INITIAL YEAR TO BE PAID BY THE CITY.**

Representative Acosta and Ortega commented.

The following City staff members commented:

- 1. Mr. John Neal, Special Projects, City Manager's Office
- 2. Mr. Robert Ash, Pension Administrator

Mr. Othon Medina, citizen, commented.

Motion duly made by Representative Acosta, 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, and Ortega

NAYS: None

ABSENT: Representatives Byrd, Holguin, and Niland

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

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8A.

ORDINANCE 17974

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND SUSANA CONTRERAS WHICH WILL ALLOW THE CITY TO CONVEY LOT 16, BLOCK 17, SUN RIDGE #5, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 79938 ALSO KNOWN AS AND NUMBERED AS 12364 ROBERT DAHL DR., EL PASO, TEXAS, TO SUSANA CONTRERAS.**

Mr. Art Gloria, Affordable Housing Finance Coordinator for Community Development, commented.

Motion duly made by Representative Noe, 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, and Ortega

NAYS: None

ABSENT: Representatives Byrd, Holguin, and Niland

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

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8B.

ORDINANCE 17975

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND IVAN GUERRERO & LUZ MOLINA WHICH WILL ALLOW THE CITY TO CONVEY LOT 24, BLOCK 3, SOMBRAS DEL SOL #2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 79938 ALSO KNOWN AS AND NUMBERED AS 12497 JON EVANS, EL PASO, TEXAS, TO IVAN GUERRERO & LUZ MOLINA.**

Mr. Art Gloria, Affordable Housing Finance Coordinator for Community Development, commented.

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

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

NAYS: None

ABSENT: Representatives Byrd, Holguin, and Niland

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

9.

ORDINANCE 17976

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO “BIN THERE DUMP THAT,” TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE ORDINANCE; THE PENALTY AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.**

Mr. Karl Rimkus, Environmental Services, Code Compliance Manager, commented.

Motion duly made by Representative Acosta, 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, and Ortega

NAYS: None

ABSENT: Representatives Byrd, Holguin, and Niland

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

10A.

R E S O L U T I O N

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

That the City Manager be authorized to sign the Services Agreement for Energy Efficiency Incentives between the City of El Paso (the “City”) and El Paso Electric Company (“EPE”) whereby the City agrees to compensate EPE an amount not to exceed THIRTY-SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$37,500) for EPE to administer the financial incentives solar programs for commercial properties approved by the El Paso City Council for fiscal year 2013.

Mr. Marty Howell, Director of Economic Development and Sustainability, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Acosta and Robinson commented.

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

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10B.

R E S O L U T I O N

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

That the City Manager be authorized to sign the First Amendment to the Economic Development Program Grant Agreement between the City of El Paso (the "City") and The Hub of Human Innovation Inc. (the "Applicant") allowing the applicant to make transfers among existing budget categories and among existing budget years equal to or less than thirty percent (30%) of the total amount of the grant funding allocated for the budget year and expand Applicant's scope of services to include providing quarterly workshops free of charge to the public at their 500 W. Overland Ave. facility, subject to the terms and conditions in the First Amendment to the Economic Development Program Grant Agreement.

Ms. Cathy Swain, Executive Director of The Hub of Human Innovation, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Mr. Marty Howell, Director of Economic Development and Sustainability, commented.

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

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11A. MAYOR AND COUNCIL

Status report from the stakeholder committee formed to review the 2008 subdivision code.

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

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

NO ACTION was taken on this item.

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11B. MAYOR AND COUNCIL

Presentation and action on the Texas School Ready! Project.

Ms. Lucy Johnson, Texas School Ready! Project, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook commented.

Ms. Judy Gutierrez, Administrative Assistant to Representative Susie Byrd, commented.

NO ACTION was taken on this item.
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11C. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding the proposed bond sale and resulting increase in taxes by University Medical Center / El Paso County to construct, staff, and operate multiple large medical facilities.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:46 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.

ABSENT: Representatives Byrd, Holguin, and Niland

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 11:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representatives Byrd, Holguin, and Niland

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EX1. Javier E. Avila vs. City of El Paso, et. al., Cause No. EP-12-CV-00287-DB (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried that the City Attorney’s Office be authorized to reject Plaintiffs’ settlement demand in the lawsuit styled Javier Avila vs. The City of El Paso, et. al.; Cause No. EP-12-CV-00287-DB.

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EX2. Discussion and action regarding issues related to Police Department matter 13-067278. (551.071)

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item regarding issues related to Police Department matter 13-067278. (551.071)

Representative Robinson commented.

Ms. Sylvia Firth, City Attorney, commented.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 11:01 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk