

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
APRIL 2, 2013
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 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, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Carl Robinson and Eddie Holguin, Jr. at 8:45 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. FAIR HOUSING MONTH**
- 2. CHILD ABUSE PREVENTION MONTH – GO BLUE DAY**
- 3. COMMUNITY DEVELOPMENT WEEK**
- 4. MONTH OF THE MILITARY CHILD**

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. Steven Strumer
2. Mr. Richard Schechter
3. Mr. Othon Medina
4. Dr. Anna Perez
5. Ms. Wally Cech
6. Mr. Salvador Gomez

Mayor Cook and Representatives Byrd and Niland commented.

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

CONSENT AGENDA

1st MOTION

Motion made by Representative Ortega, seconded by Representative Niland, 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 Mayor Pro Tempore Lilly, seconded by Representative Ortega, 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 March 26, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Socorro Independent School District ("SISD") to allow for joint elections between the City and SISD on May 11, 2013, for the purpose of sharing the costs.

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3B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing the use of discretionary funds to provide funding to support the Mighty Mujer Triathlon regional sporting event as a municipal purpose and to authorize the City Manager to enter into a sponsorship contract not to exceed \$5,300.00 to be used towards the costs of traffic control services with any funds in excess be applied towards the marketing and advertising of the Mighty Mujer Triathlon to be held Saturday, April 20, 2013.

Representative Byrd commented.

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

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4A. – 4B. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Niland, 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:

4A. An Ordinance authorizing the City Manager to sign a Memorandum of Agreement and any other necessary documents between the City of El Paso and Union Pacific Railroad Company which will allow the City to convey approximately 2 acres of land being a portion out of the 11.87 acres conveyed to the City of El Paso by El Paso Union Passenger Depot Company, according to the Deed recorded in Volume 901, Page 1134, Real Property Records of El Paso County Texas, and a strip of City land adjacent to San Francisco Street and Coldwell Street as the streets are shown on recorded Campbell Addition Plat to the City of El Paso.

PUBLIC HEARING WILL BE HELD ON APRIL 9, 2013, FOR ITEM 4A

4B. An Ordinance amending Ordinance No. 15108 which created the Greater El Paso Civic, Convention and Tourism Advisory Board. This amendment will: 1) remove a restriction that prohibited current and former employees to serve as members of the advisory board; 2) remove the Director of Economic Development as Secretary to the Advisory Board and replace with the General Manager of the Convention and Visitors Bureau or of his or her designee.

PUBLIC HEARING WILL BE HELD ON APRIL 16, 2013, FOR ITEM 4B

5A.

ORDINANCE 17978

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY SPECIAL CONTRACT OF DECEMBER 26, 1984, ATTACHED TO ORDINANCE NO. 8239, WHICH CHANGED THE ZONING OF THE LOTS 15 TO 23, BLOCK 212, ALEXANDER ADDITION REPLAT "A", 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: 2600 OREGON. PROPERTY OWNER: EL PASO MURCHISON OREGON INVESTORS LLC / MCDYER LLC. PZCR13-00001**

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 Mayor Pro Tempore Lilly, 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, and Niland
NAYS: None
ABSTAIN: 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**.

5B. CITY DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **POSTPONE** for two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00015, to allow for infill development with reduced front setback, reduced side setback, a parking reduction and to allow for a 50% increase in density on the property described as Lots 9 through 14, Block 25, Third Amended Map of Highland Park 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: 2413 Tremont. Property Owner: Hector F. Barraza. PZST12-00015

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 Byrd, Noe, and Ortega commented.

Ms. Sylvia Firth, City Attorney and Ms. Karla Nieman, Assistant City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Ed Hamyln
- 2. Ms. Patty Chagra

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5C. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of Real Property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZRZ12-00039

Representative Acosta commented.
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5D. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting Special Permit No. PZST13-00001, to allow for a small contractor yard on the property described as Lot 45, Block 4, Stiles Gardens, 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: 7127 Stiles Drive. Property Owner: Enrique, Escobar. PZST13-00001
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ITEMS TAKEN TOGETHER 6A – 6G

6A.

ORDINANCE 17979

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR A WAIVER OF CERTAIN FEES FOR SPECIAL EVENT PERMITS AS REQUIRED IN TITLE 5, TITLE 12, AND TITLE 13 OF THE EL PASO CITY CODE.**

6B.

ORDINANCE 17980

The City Clerk read an Ordinance entitled: **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 CHAPTERS 5.01.100 OF THE EL PASO CITY CODE.

6C.

ORDINANCE 17981

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.40 (NOISE) OF THE EL PASO CITY CODE, TO EXEMPT CERTAIN SPECIAL PRIVILEGE LICENSE AND PERMITS FROM THE NOISE ORDINANCE THE PENALTIES ARE PROVIDED IN CHAPTER 9.40.140 OF THE EL PASO CITY CODE.**

6D.

ORDINANCE 17982

The City Clerk read an Ordinance entitled: **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 PRIVILEGE LICENSE AND PERMITS , THE PENALTIES ARE PROVIDED IN CHAPTER 12.84.010 OF THE EL PASO CITY CODE.**

6E.

ORDINANCE 17983

The City Clerk read an Ordinance entitled: **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 CERTAIN SPECIAL PRIVILEGE LICENSE AND PERMIT EVENTS FROM THE SOUND AMPLIFICATION PERMIT FEE AND TO AMEND THE PAYMENT AND CANCELATION POLICY FOR A SPECIAL PRIVILEGE LICENSE AND PERMIT. THE PENALTIES ARE PROVIDED IN CHAPTER 13.32.090 OF THE EL PASO CITY CODE.**

6F.

ORDINANCE 17984

The City Clerk read an Ordinance entitled: **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 CERTAIN SPECIAL PRIVILEGE LICENSE AND PERMITS. THE PENALTY IS PROVIDED IN CHAPTER 15.08.070 OF THE EL PASO CITY CODE.**

Ms. Leila Melendez, Executive Assistant to the City Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Karla Nieman, Assistant City Attorney, read revision into the record and gave legal advice.

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

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

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

6G.

R E S O L U T I O N

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

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 delete certain established fees related to the special privilege temporary use fees and for charitable solicitations as part of the streamlining of the special event permit process.

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 delete certain established fees related to the special privilege temporary use fees and for charitable solicitations as part of the streamlining of the special event permit process and made necessary by the proposed revisions to Titles 5, and 15.

**Attachment A
City Development Department**

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

7A.

ORDINANCE 17985

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

Motion duly made by Representative Byrd, 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: 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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7B.

ORDINANCE 17986

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

Ms. Sol Cortez, Assistant City Attorney, read revision into the record and gave legal advice.

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

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

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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8A. CITY DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **POSTPONE** four weeks the item on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00049 at 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property.

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

Ms. Providencia Velazquez, Historic Preservation Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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

Ms. Virginia Guerrero, owner, commented.

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ITEMS TAKEN TOGETHER

8B1.

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 execute a Tax Abatement Agreement between the City of El Paso and Miguel and Yolanda Zavala (the "Applicant"), pursuant to the City's Infill Development Incentive Policy, for the construction of a multifamily rental property development to be located at 540 S. Yarbrough, El Paso, Texas.

8B2.

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 execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Miguel and Yolanda Zavala (the "Applicant"), in relation to Applicant's construction of a multifamily rental property development located at 540 S. Yarbrough , El Paso, Texas.

Representatives Ortega and Acosta commented.

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

Motion made by Representative Ortega, seconded by Representative Acosta, and carried to **APPROVE** the Resolutions.

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

NAYS: Representative Holguin

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ITEMS TAKEN TOGETHER

8C1.

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 execute a Tax Abatement Agreement between the City of El Paso and Viewpoint Enterprises, LLC (the "Applicant"), pursuant to the City's Infill Development Incentive Policy, for the construction of a consulting engineering firm facility to be located at 2431 E Yandell, El Paso, Texas 79903.

8C2.

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 execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso Viewpoint Enterprises, LLC (the "Applicant"), in relation to Applicant's construction of new consulting engineering firm office building, expanding the existing 1,200 sq ft and adding a total of 1,100 sq ft of office space to the property located at 2431 E. Yandell, El Paso, Texas.

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

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

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9A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution authorizing the City Manager or designee to execute a contract with Secure Origins, Inc. to fund the Project-21 pilot program in the amount of \$195,000 for another 90-day period to facilitate cross border traffic at the Ysleta-Zaragoza Port of Entry.

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ITEMS TAKEN TOGETHER

9B. MAYOR AND COUNCIL

Discussion and action on calling for a formal investigation into the Police and Fire's pension fund.

NO ACTION taken on this item.

9C. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **POSTPONE** one week the item regarding proposed legislation relating to the El Paso Police and Fire Pension Plan with the willingness to support the legislation if they can just have the board look at those two issues that were raised.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Lauren Francis, Intergovernmental Affairs
4. Mr. William Studer, Deputy City Manager, Development and Tourism
5. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

The following members of the public commented:

1. Lt. Tyler Grossman, Chairman for El Paso Police and Fire Pension
2. Mr. Mark Austin, Vice Chairperson for El Paso Police and Fire Pension
3. Mr. Richard Schechter, citizen
4. Mr. Ron Martin, President for El Paso Police Association
5. Mr. Joe Telles, President for El Paso Association of Fire Fighters
6. Ms. Jackie Butler, Greater El Paso Chambers

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Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to
ADJOURN this meeting at 12:42 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk