

JOHN F. COOK  
MAYOR



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

JOYCE WILSON  
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JUNE 4, 2013  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Emma Acosta at 8:35 a.m. and Steve Ortega at 8:41 a.m. The invocation was given by Mayor John F. Cook, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

**NETWORK NUNS ON THE BUS WEEK**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](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. Jerry Thiedt
2. Ms. Lisa Turner
3. Ms. Wally Cech
4. Mr. James Perry

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, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland

NAYS: None

1. APPROVAL OF MINUTES

\*Motion made, seconded, and unanimously carried to APPROVE the Minutes for the Regular City Council Meeting of May 28, 2013, and the Special City Council Meeting of May 16, 2013.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3.

\*RESOLUTION

That the City Council declares that the expenditure of District 3 discretionary funds in an amount not to exceed SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00) to pay towards the costs of equipment rental, license fees for a series of movies, permits, staff time and other related items necessary for the support of the "Movies Under the Stars" event, a series of movie nights in parks located within District 3 or any parks adjacent to District 3, and this expenditure serves the municipal purpose of providing recreational and cultural activities to the residents of and visitors of the City of El Paso, which benefits the community and instills community pride, and is authorized; and

That the City Manager be authorized to accept donations for sponsorship of the event, to negotiate and sign contracts as approved by the City Attorney, and to appropriate and ensure that the funds are properly expended for the municipal purpose and that the balance of the "Movies Under the Stars" project funds be available to the members of the City Council upon request.

4. FOR NOTATION

\*Motion made, seconded, and unanimously carried to APPROVE for notation to accept the donation of \$500 from Barnett Harley Davidson for Movies under the Stars in District 3.

5A. 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 contributions by Representative Emma Acosta: \$2,000, Gregory B. Bowling \$500, Linebarger, Gogan, Blair & Sampson: \$500, Nicole or Rafael Adame: \$500, Stanley P. Jobe: \$1,000, Randall Bowling: \$500, Robert L Bowling:\$500, El Paso Assoc of Builder PAC:\$500, Richard Aguilar:\$500, Cemex Employees Pac:\$500, Trepac, Tx. Assoc. of Realtors:\$500.

5B. 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 contributions by Representative Steve Ortega on May 2, 2013, in the amount of \$1,000 from Shawn/Donna Gray; in the amount of \$500 from Rudolf & Sandra Montiel; in the amount of \$500 from Evelina Ortega; in the amount of \$500 from Robert & Sylvia Ortega; in the amount of \$500 from Alan & Caryn Rosen Viterbi; in the amount of \$500 from Tracy Yellen; on May 3, 2013, in the amount of \$2,500 from Cita Sanders; in the amount of \$2,500 from William Sanders; in the amount of \$500 from Tenet Healthcare Corp. PAC; on May 6, 2013, in the amount of \$500 from Carlos David Bombach; in the amount of \$500 from Lupe F/Jesus M. Gonzalez; in the amount of \$2,000 from TREPAC/Texas Association of Realtors; on May 7, 2013, in the amount of \$1,000 from BNSF Rail PAC; in the amount of \$1,500 from Bill Burton Jr.; in the amount of \$5,000 from L. Frederick Francis; in the amount of \$1,000 from

Patricia Holland-Branch; in the amount of \$500 from Martin Morgades; on May 8, 2013, in the amount of \$1,000 from the Law Office of Ruth Reyes; on May 9, 2013, in the amount of \$1,500 from Jack Chapman; in the amount of \$5,000 from Charles Jordan; in the amount of \$1,000 from Brad & Katherine Kuykendall, in the amount of \$500 from William M. & Vicki Yung.

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ITEMS TAKEN TOGETHER

6A.

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

**A RESOLUTION ADOPTING THE CITY OF EL PASO DOWNTOWN PEDESTRIAN WAYFINDING PLAN**

**WHEREAS**, on August 21, 2012 the City Council amended Title 15 (Public Services) to include Section 15.08.140 City Wayfinding Program with the purpose of providing information to the public on key areas of interest within the city and enabling the public to safely and efficiently arrive at and maneuver within those areas of interest;

**WHEREAS**, as per the ordinance, City Development Department was charged with establishing a location system for wayfinding signs and by Resolution; the City Council may establish areas of interest for purposes of determining where wayfinding signs are placed;

**WHEREAS**, the City Development Department recommends Downtown as the first area of interest as directed by Goal 1.1 of Plan El Paso, the City’s Comprehensive Plan, which states that “The City of El Paso places the highest priority on the reinvigoration of Downtown, whose strategic location, walkable blocks and historic buildings will once again make Downtown a vibrant destination and center of culture, shopping, government and the arts;”

**WHEREAS**, the El Paso City Council approved the Downtown 2015 Plan on October 31, 2006, which calls for improvements to Downtown El Paso that favor and enhance pedestrian traffic such as wayfinding signs; and

**WHEREAS**, the Director of City Development recommends that the City adopt the City of El Paso Downtown Pedestrian Wayfinding Plan in order to meet the goals of the City Wayfinding Program, Plan El Paso and the Downtown 2015 Plan.

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

- (1) The City of El Paso Downtown Pedestrian Wayfinding Plan (the “Downtown Wayfinding Plan”) be adopted as shown in Exhibit “A”, attached to this Resolution.
- (2) The City Manager shall incorporate The City of El Paso Downtown Wayfinding Plan into all future City projects affecting streets, sidewalks, street amenities, and other elements involved in pedestrian traffic within the Downtown Wayfinding Plan boundaries.

Ms. Veronica Soto, Director of El Paso Downtown Management District, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Acosta and Niland commented.

Mr. Carlos Gallinar, Deputy Director for Planning, commented.

The following members of the public commented:

- 1. Mr. Dennis Melonas, Director for Central Business District Association

2. Mr. Steven Stamper

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

**6B.**

STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO

**THIRD AMENDED INTERLOCAL AGREEMENT**

This Interlocal Agreement, as amended, is entered into on the 4th day of June, 2013, by and between the CITY OF EL PASO, a Texas home-rule municipal corporation (“the City”) and the El Paso Downtown Management District (“DMD”), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375. The City and the DMD may be referred to in this Amendment individually as “Party” and collectively as the “Parties.”

The Parties hereby agree to amend their current Interlocal Agreement dated February 1, 2011 (the “Interlocal”), subject to the following terms and conditions. The Parties agree that the additional terms and conditions will apply to the Interlocal unless further modified or amended by the Parties.

**WHEREAS**, on or about February 1, 2011, the Parties entered into an Interlocal Agreement implementing activities to preserve, maintain, and enhance the economic health and vitality of the downtown El Paso area through public outreach development, downtown marketing services, and supplemental sanitation services, with the governmental purpose of stimulating commercial development and business activity in the downtown area; and

**WHEREAS**, on or about February 18, 2013, the Parties amended the Agreement to supplement marketing efforts in El Paso’s downtown area by having the DMD manage the City’s Downtown wayfinding program and upgrade certain trash bins with the hardware needed for the placement of marketing materials, and perform maintenance on city owned kiosks, in consideration for these supplemental services the City agrees to increase the payment from \$350,000 to \$500,000; and

**WHEREAS**, the Parties now desire to amend the agreement to supplement marketing efforts in El Paso’s downtown area by extending the DMD’s authority over the Downtown wayfinding kiosks beyond the kiosks in the Union Plaza and San Jacinto Park to the entirety of the Downtown Management District, in consideration for these added services the City agrees to pay the DMD on a per kiosk basis.

**NOW THEREFORE, KNOW ALL BY THESE PRESENT THAT:**

For and on behalf of the general public good and the mutual covenants and promises hereinafter set forth in this Agreement, the Parties agree as follows:

**ARTICLE 1. BACKGROUND AND PURPOSE**

**Section 1.01 Authorization**

This amendment is executed by the Parties in accordance with Section 9.6 of the Interlocal Agreement.

**Section 1.02 Purpose**

The Parties execute this Amendment for the following purposes:

1.02.1 To supplement the marketing efforts by the City in El Paso’s Downtown area by incorporating additional marketing resources to display promotional and wayfinding information and promote maintenance of these City-owned devices.

1.02.2 To supplement and make more efficient and convenient the promotion of downtown events and activities in downtown and throughout the city by having the DMD serve as a conduit for city-wide marketing efforts focused on downtown events.

**Section 1.03 Effective date.**

Unless otherwise specified, these additions to the Interlocal agreed to in this Amendment shall be effective as of June 4, 2013.

**ARTICLE 2. ADDITIONS TO THE “SCOPE OF SERVICES”**

**Section 2.01 Addition of Responsibilities**

The following change is made to section 2.2.5 under Section 2.0 (Scope of Services), Subsection (DMD Responsibilities), of the Interlocal:

*2.2.5 Content Management for Downtown Wayfinding Kiosks to supplement the broad-based marketing program.* The City and the DMD agree that the DMD will be the lead entity responsible for providing content on the existing and future city-owned kiosks located throughout the Downtown Plan Area and Downtown Management District, the boundaries of which are shown in Exhibit A (maps). The DMD will be responsible for the following:

(A) Secure fabrication of the Downtown wayfinding elements in accordance with state procurement laws within thirty (30) days of receiving a written request to do so from the City. The total fabrication costs shall not exceed Two Million and No/100 Dollars (\$2,000,000.00), and the DMD shall promptly invoice the City for fabrication costs as those costs are incurred.

(B) Provide materials that will be placed on the kiosks that is in compliance with the wayfinding sign definition approved by the City Council. Material is to be placed on all the kiosks within sixty (60) calendar days of the execution of this Amendment and will be changed out at least once in a calendar year. All material will follow the sign definition standards, as provided for in the El Paso City Code.

(C) Low-level Maintenance for the kiosks content area is to be provided by the DMD to include replacement of the content, removing graffiti, painting the kiosks at least once every three (3) years. The DMD will inspect the kiosks at least once a quarter and report any deficiencies to City staff. Damaged or defaced signs will be replaced by the DMD.

(D) DMD staff will receive training and protocol guidelines from appropriate City staff on the proper way and necessary tools to place content on the kiosks and will follow the City’s protocol in installing such content. Upon request, the DMD can provide City staff samples of the materials that will be placed on the kiosks four (4) weeks in advance of such placement.

(E) Secure funding for privately sponsored marketing materials. Such materials will be replaced by the DMD once a year. Applicants that request additional replacement of privately sponsored marketing materials may be responsible for the cost of materials and their replacement.

(F) Develop the standards for the material type, such as weight of paper and dimensions of total content area, for all materials to be placed on the kiosks, and develop a schedule for when content will be changed out if this is more frequently than once annually.

(G) Half (1/2) of the kiosks in the Downtown area will be made available for City sponsored events if a four-week notice is given to the DMD.

(H) Annual report. On a yearly basis, provide an annual report to the City Manager detailing its performance of activities under this agreement.

City Responsibilities

(A) Reimburse the DMD for the cost of the fabrication of the Downtown wayfinding elements within thirty (30) days of receipt of an invoice for the elements from the DMD.

(B) Ensure the hardware of the kiosks is in working order within sixty (60) calendar days of execution of this amendment and provide training on the protocol guidelines to place the materials on the kiosks appropriately in that timeframe.

(C) High-level Maintenance for the kiosk infrastructure. If an existing kiosk is damaged beyond capabilities of the DMD—such as by a car accident—taking the appropriate measures to replace or remove the kiosks.

(D) Replacement of kiosks should the kiosks be damaged beyond repair as funding may be available.

(E) For content requested by the City to promote city-sponsored events only, the City shall provide the printed materials to be placed on the kiosks at least four (4) weeks in advance of the requested date of placement. The City can opt to reimburse the DMD for printing services and design and placement costs for the marketing materials

### **ARTICLE 3. AMENDMENT TO THE “ALLOCATION OF EXPENSES AND CONTRIBUTION FOR SERVICES”**

#### **Section 3.01 *Addition to Consideration***

The following is added as section 3.5 to Section 3.0 (Allocation of Expenses and Contribution for Services of the Interlocal:

3.5 In consideration of the DMD performing the Content Management for downtown Wayfinding Kiosks to supplement the broad-based marketing program services as set forth in Section 2.2.5 and for securing the elements as set forth in Section herein, the City hereby agrees to pay an annual flat fee per sign of Two Hundred and No/100 Dollars (\$250.00) for every sign placed on street lights (standard size of 16’ by 8’ or as indicated by the plan approved by City Council) and Two Thousand Five Hundred and No/100 Dollars (\$2,500) for every Wayfinding Kiosk sign (standard size of 22’ by 26’ or as indicated by the plan approved by City Council). The City will pay the DMD the initial annual fee within thirty (30) days of signing this Amendment based on the signs in operation at that time. Thereafter, the City will pay the DMD within thirty (30) days after the anniversary of the date on which this Amendment is executed.

For signs that are placed in service during the course of the year, the City shall pay the DMD for the number of months the signs were in service, with the assumption that signs were placed in service in the middle of the month that they were placed in service. The DMD will document the additional signs placed in service on its annual report filed pursuant to section 2.2.4(I).

### **ARTICE 4. ADDITON TO “TERM AND TERMINATION”**

#### **Section 4.01 *Addition to Termination***

The following is added as section is added as 4.2.3.2 to Section 4.2.3 (Termination Without Cause) of the Interlocal:

4.2.3.2 The Agreement set forth in this Amendment to the Interlocal dated February 1, 2011, may be terminated by either party for any reason, or for no reason whatsoever, upon sixty (60) days written notice prior to the anniversary date of execution of this Amendment, and such termination of this Amendment shall not affect or cause the termination of the Interlocal Agreement dated February 1, 2011, or any previous Amendments to the Interlocal.

### **ARTICLE 5. REPRESENTATIONS AND AGREEMENT OF THE PARTIES**

#### **Section 5.01 *Continuing effect of the Interlocal Agreement.***

The Parties contract and agree that the terms of the Interlocal Agreement dated February 1, 2011, shall remain in full force and effect.

**Section 5.02 Incorporation of the terms of the Amendment.**

By signing this Amendment, the Parties expressly understand and agree that this Amendment is hereby made a part of the Interlocal Agreement dated February 1, 2011, as though it were set out verbatim in the Interlocal.

IN WITNESS HEROF, the City and DMD have each caused this amendment to be signed and delivered by its duly authorized representative.

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** the Third Amended Interlocal Agreement between the City of El Paso and the Downtown Management District.

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**7A.**

**ORDINANCE 18020**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II DEFINITIONS OF THE EL PASO CITY CODE TO AMEND THE DEFINITION OF TRANSITIONAL HOUSING AND TO ALLOW FOR THE EXPIRATION OF SPECIAL PERMITS FOR TRANSITIONAL HOMES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Ms. Karla Nieman, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office) and gave legal advice.

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

The following City staff members commented:

- 1. Mr. Mathew McElroy, Director for City Development
- 2. Ms. Theresa Cullen, Deputy City Attorney, gave legal advice.
- 3. Mr. William Lilly, Director of Community and Human Development

The following members of the public commented:

- 1. Mr. Ray Mancera
- 2. Ms. Monica Martinez, La Posada
- 3. Ms. Lisa Turner

Motion duly made by Representative Acosta, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS REVISED** and **DIRECT** City staff to explore opportunities to further revise the definition of transitional housing, working with the industry and stakeholders, reporting back to Council in six months, and to include the revision read into the record by Deputy City Attorney Terri Cullen and correction of typo. 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, AS REVISED.**

7B.

**ORDINANCE 18021**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00025, TO ALLOW FOR A TRANSITIONAL HOUSING FACILITY ON THE PROPERTY DESCRIBED AS LOTS 11 - 13, BLOCK 273, CAMPBELL 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: 1020 CAMPBELL STREET. PROPERTY OWNER: LA POSADA HOME, INC. PZST12-00025**

Motion duly made by Representative Niland, seconded by Representative Acosta, that the Ordinance be **ADOPTED**, and **DIRECT** City staff to explore opportunities to further revise the definition of transitional housing, working with the industry and stakeholders, reporting back to Council in six months. 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.**

7C.

**ORDINANCE 18022**

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

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

Representatives Byrd and Robinson commented.

Ms. Karla Nieman, Assistant City Attorney, commented.

Ms. Donna Franco, citizen, 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

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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**7D.**

**ORDINANCE 18023**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00011, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOT 15 AND 16, BLOCK 44, HARTS SURVEY NO. 9, 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: 906 N. MESA STREET. PROPERTY OWNER: DDDG INVESTMENTS II, L.P. PZST12-00011**

Mr. Carlos Gallinar, Deputy Director for Planning, 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 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, 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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**7E. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting Special Permit No. PZST12-00023, to allow for a Facility-Mounted Personal Wireless Service Facility (PWSF) on the property described as Lot 19 and a portion of Lot 17, Block 138, Chaparral Park Unit 30, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 6520 Loma De Cristo Drive. Applicant: Ascension Lutheran Church. PZST12-00023

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**7F.**

**ORDINANCE 18024**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A 7.645 ACRE PARCEL OF LAND LEGALLY DESCRIBED AS BEING ALL OF LOT 2 AND A PORTION OF LOTS 1 AND 3, UNIVERSITY CENTER AS FILED IN VOLUME 23, PAGE 35, EL PASO COUNTY DEED RECORDS, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) AND C-3 (COMMERCIAL) TO SCZ (SMARTCODE ZONE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 OF THE EL PASO**

**CITY CODE. PROPERTY OWNER: BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS. PZRZ13-00009**

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 Niland, Lilly, and Ortega 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, 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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**7G. CITY DEVELOPMENT**

Motion made by Representative Niland, seconded by Representative Holguin, and carried to **DELETE** the public hearing on an Ordinance changing the zoning of the following legally described 586.04 acre tract of land including all of the Alamo Heights Subdivision; a portion of Blocks 70 and 71, and closed street between Blocks 73 through 101 of the Bassett Addition; all of Memorial Park; all of the Castle Heights Subdivision; Blocks 5, 7, 8, 16, 17, 19 and 20 of the Cotton Addition; all of the Supplemental Map of the Cotton Place Addition Replat 2, except Blocks 22, 23, and 31 through 35; Blocks 33 through 35, 45 through 48, 60 through 69, 76 through 85, 92 through 107, 120 through 123, 132 through 134, and 141 through 144 of Supplemental Map No. 1 of East El Paso; Blocks 21½ through 26, 35 through 40, 50 through 55, and 64 through 66 of the Highland Park Addition; Blocks 25 through 39 of the Manhattan Heights Addition; and all streets, alleys, highway and railroad right of ways located within these limits, all being located within the corporate limits of the City of El Paso, El Paso County, Texas from their current zoning district to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ13-00004; and **DIRECT** staff to return to Council in 90 days with a hybrid zoning solution.

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

Representative Byrd and 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 Niland, Byrd, Holguin, Lilly, Acosta, Noe, Holguin, and Ortega

The following City staff members commented:

1. Mr. Mathew McElroy, Director of City Development
2. Ms. Karla Nieman, Assistant City Attorney, gave legal advice.
3. Ms. Theresa Cullen, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Craig Peters
2. Ms. Katie Updike
3. Mr. Larry Romero
4. Mr. Jim Erickson
5. Mr. Ben Foster
6. Mr. Jerry Olivas
7. Mr. Jaime Zubiarte

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**7H. CITY DEVELOPMENT**

Motion made by Representative Holguin, seconded by Representative Niland, and carried to **DENY** the public hearing on an Ordinance changing the zoning of the following legally described 528.58 acre tract of land including Kennedy Brothers Memorial; Gall Subdivision; Tracts 16A, 16B, 16C, 16D, 20, 20A, 21A, 21A1, 21B, 21B1, 21C, 21C1, 21C1C1, 21C1D, 21C1C2, 21C1B, 21C1B1, 21D, 21D1, 21E, 21E1, 21F, 21F1, 22A, 22B, 22B1, 22B1A, 23A, 23B, 23B1, 23B2, 23C, 23D, 28A, 28A1, 28B, 28C, 28D, 30B, 30C, Block 8, Ysleta Grant; Tracts 13A, 13B, 13D, Block 35 Ysleta Grant; Tract 26, Block 36, Ysleta Grant; Tracts 2, 3A, 3C, 3D, 3E, 4A, 5, 6A, 6B, 7A, 7B, 8A, 8B, 8C, 8D, 8E, 8F, 8F1, 8G, 8H, 8J, 8K, 10, 11A, 11B, 11B1, 11C, 11D, 11E, 11E1, 11E2, 11E1A, 11E1B, 11F, 11G, 11J, 11K, 11L, 11M, 11N, 11P, 11P1, 11R, 11S, 11T, 11U, 12, 12A, 13A, 13C, 13H, 14, 15, 16, 17, 17A, 18, 19, 19A, 20, 21A, 21B, 22B, 29A, 29B, 29B1, 29B1A, 29B1B, 29B1C, 29B1D, 29C, 30A, 30B, 30C, 32B, 32D, 33A, 33B, 34A, 34B, 35A, 35B, 37A, 38, 39A, 39B, 39C, 40, 41, 43, 44, 45, 46A, 46B, 46C, 46C1, Block 37, Ysleta Grant; Tracts 1, 2A, 2B1, 2B2, 2B3, 2B4, 2B5, 3A, 3B, 3C, 4A, 4C, 4C3, 4C4, 4C5, 4D, 4D1, 4D1A, 4D2, 4D2A, 4D3, 4D3A, 4D4, 4D4A, 4D5, 4D5A, 5, 18A, 18E, 18G, 18H, 19B, 19C, 19D, 19E, 19F, 19G, 19G1, 19G1B, 19H, 23A, 23B, 23B1, 23C, 23C1, 23D1, 24, Block 38, Ysleta Grant; Tracts 2, 3A, 3B, 3D, 4A, 4B, 4C, 4CA, 4C1B, 4D, 4D1, 4E, 4E1, 4F, 5C, 5C6, 6A, 6B, 6C1, 6C2, 7A, 8A, 8B, 9A, 9B, 10A, 10B, 10C, 10C1, 10C2, 10D, 10E, 10F, 10G, 10H, 11A, 11B, 12A, 12B, 12C, 13A, Block 39, Ysleta Grant; Tracts 3C, 3C1, 5B, 5C4, 5C6, Block 40, Ysleta Grant; Tracts 1, 2A, 2B, 3A, 3B, 3B1, 3B2, 3B3, 4B, 4D, 5, 6A, 6B, 7A2, 7B, 7C, 7D1, 7D, 7D2, 8A, 8A7, 8A9, 8A1, 8A1A, 8A2, 8A2A, 8A3, 8A4, 8A5, 8A6, 8A10, 8A11, 8K, 8M, 8O, 8S, 8V, 8U, 8Z, 8Y, 8W, 8W1, 8X, 8X1, 8X2, 8X5, 8X6, 8X3, 8X4, 9A, 9B, 9B1, 9B1B, 9B2, 9B3, 8B, 8B1, 8C, 8E, 8F, 8G, 8H, 8I, 8J, 8P, 8Q, 8T, 10C, 10C1, 10D, 10E, 11A, 11B, 12A, 12B, 12C1A, 12C1B, 12C3, 13, 14, 15, 16, 17A, 17B, 22F, Block 42, Ysleta Grant; Tracts 1A, 1B, 1C, 1D, 1D1, 1D2, 1D2A, 1D2C, 1E, 2, 3, 4, 5A, 5B1, 6A, 6B, 6C, 6D1, 6F, 6H, 6K, 6K1, 6J, 6I, 6L, 7A, 7C, 8, 9, 10, 12, 14A, 15, Block 43, Ysleta Grant; Tracts 1A, 1B1, 1C, 1D, 2A, 2B, 3, 4, 5, 6, 6A, 6B, 6C, 7A, 7B, 11B, 12, 13B, 13C, 13D, 15, 16, 17, 18, 19A, 19B, 19B1, 19C, 20, Block 44, Ysleta Grant; Tracts 1, 2A, 2B, 3, 5, 6, 7, 9B, 9B1, 9B2, 9B3, 9C, 10A, 10B, 10D, 10C, 10E, 11, 12A, 12B, 12C, 13, 14A, 14B, 15A, 15B1, 15B3, 16B, 16D, 16E, 16F, 16G, 16J, 23A, 23B, 24, 25A, 25B, 26, 27A, 28, 30A, 31, 32, 33A, 33C, 33B, Block 45, Ysleta Grant; Tracts 1A, 2A, 2C, 3A, 3B, 3D, 3E, 3F, 3F1, 3F2, 3F3, 3J, 3G, 3H, 5, 5A, 6, 7, 8A, 9B, 9C, 10B, 10B1, 10C1, 10C1A, 10C1B, 10C, 10C2, 10C3, 10C3A, 10C4, 10C5, 10C6, 10C7, 10C8, 10C8A, 10C9, 10C10, 10C11, 10C11A, 10C12, 10C12A, 10C13, 10C14, 10C14A, 10D, 10D1, 10D3, 10E, 10J, 10I, 10F, 10F1, 10G, 10H, 10I1, 10L, 10L1, 11, 12A, 12A1, 12A1A, 12B, 12C, 12C1, 12C1A, 12C2, 12C4, 12C5, 12C6, 12C4A, 12D2, 12D4, 12E, 12E2, 12G1A, 12G2, 12F, 12H, 12H1, 12H4, 12H5, 12H6, 12J, 12K, 12L, 12L1, 12L2, 12N, 12O, 12P, 12Q, 12R, 12R1, 12R1A, 12R2, 12S, 12S1, 12T, 12U, 12U1, 12U2, 12V, 12V1, 13A, 13A1, 14A1, 14B, 15A, 15B, 15B1, 15C, 15D, 16, 17A, 17A1, 18A, 18B, 18B1, 18C, 19, 20, 21, 22, 23A, 23A1, 23B, 23B1, 24, 24A, 25, 26, 27A, 27A1, 27C, 27D, 27D1, 28A, 28B, 28C, 29, 30, Block 46, Ysleta Grant; Tracts 6E, 6F, 6F1A, 6F1B, 6F2, 6F3, 6F3A, 6F2A, 6F2B, 6F2B1, 6F2B2, 6F2C, 6F4, 6F4A, 6F4B, 6F4B1, 6F5, 6F5A, 7A1, 7A2, 7B, Block 47, Ysleta Grant; Tracts 1B, 2, 2A, 3A, 3B, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 5B, 7, 8, 9A, 11A, 12, 13A, 13B, 15, 18, 19A, 9A1, 19B, 19B1, 20, 21, 22, Block 48, Ysleta Grant; Tracts 10, 11, 12, 12A, 12A1, 12B, 12D, 13, Block 49, Ysleta Grant; Apodaca Subdivision; Lots 55 through 74, a portion of Lot 1, Lots 2 through 25, and Lots 49 through 54, Alexander Addition to Ysleta; Lone Star Subdivision; Estrada Replat A; Valumbrosa, Lots 1 through 11, Lots 13 through 33, Lots 34

through 42, Block 1, and Lots 12 through 21, Block 2; Valumbrosa Replat; Home Improvement No. 1; Home Improvement No. 2; Indian Town Subdivision; Frymuth Subdivision; J.R. Lopez Subdivision; Lots 1 through 16, Lots 17 through 32, and Lots 33 through 49, North Valumbrosa; Lots 101 through 110, North Valumbrosa No. 2; a portion of Tract 1 and Tracts 2 through 10, Franklin Place; a portion of Tract 11 and Tracts 12 through 22, Franklin Place Replat; Tracts 25 through 31 and Tracts 16 through 24, Sunland Gardens; Tracts 3 through 17 and Tracts 18 through 33, Block B, Spohr Addition; Tract 12 and a portion of Tract 13, Spohr Addition; Arizona Subdivision; Lydia Dixon; Lydia Dixon No. 2; Gemotes; Shanks Carpenter; Shanks Carpenter Replat A; Yoshida Subdivision; Lots 1 through 5, Block 1, and a portion of Lot 25, Block 1, and Lots 4, 5, and 6, Block 2, Frutas Place; Pullman Subdivision; Harris Subdivision; Carpenter & Ammons; Trice; Phelps; Phelps Replat of Lot A; Valle Hermosa; and a portion of Lot 2, Block 24, Capistrano Park Unit Four as described in Volume 1279, Page 1443 and Volume 2379, Page 2053, Real Property Records of El Paso County, Texas, from their current zoning district to SCZ (SmartCode Zone); the penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ12-00036

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

Mayor Cook and Representatives Ortega, Holguin, and Acosta commented.

Mr. Jerry Olivas, citizen, commented.

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7I.

**ORDINANCE 18025**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.050 (SPECIAL EXCEPTIONS), OF THE EL PASO CITY CODE TO CLARIFY FIRST FLOOR AREA OF THE DWELLING IN THE REQUIREMENTS FOR THE SPECIAL EXCEPTION FOR CARPORT OVER A DRIVEWAY. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 (ENFORCEMENT-PENALTY) OF THE EL PASO CITY CODE.**

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 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, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative 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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7J.

**ORDINANCE 18026**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE) OF THE EL PASO CITY CODE, BY REPEALING**

**CHAPTER 18.46 (LANDSCAPE) IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 18.46 (LANDSCAPE) IN ITS PLACE, THE PENALTY BEING AS PROVIDED IN SECTION 18.46.320 (VIOLATIONS-PENALTY) OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Director of City Development, commented.

Representatives Niland, Noe, and Acosta commented.

Motion duly made by Representative Noe, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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**7K.**

**ORDINANCE 18027**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO MAGELLAN PIPELINE COMPANY, L.P., FOR THE CONSTRUCTION, INSTALLATION, USE AND REPAIR OF TWO SUBSURFACE, EIGHT-INCH REFINED PRODUCT PIPELINES BENEATH PORTIONS OF CITY RIGHTS-OF-WAY ON MESQUITE MIEL DRIVE BETWEEN SACHEL CLIFF DRIVE AND BRICK DUST DRIVE AND RAILROAD DRIVE BETWEEN ANGORA LOOP DRIVE AND ASHLEY ROAD FOR A TERM OF FIFTEEN YEARS WITH TWO RENEWABLE FIFTEEN YEAR TERMS. (NESV12-00024 AND NESV12-00025)**

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. Bryce Binyon, Megallan LLP, commented.

Motion duly made by Representative Robinson, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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**8.**

**ORDINANCE 18028**

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), OF THE EL PASO CITY CODE, TO DELETE GRAMA STREET AND SAN ANTONIO AVENUE, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

Representative Niland commented.

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, Ortega and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: 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**.

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**9A. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** a request from Manuel Carrillo and Angelica Medina Carrillo for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school and commercial daycare centers for the property located at 3512 North Yarbrough.

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**9B.**

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

**A RESOLUTION AMENDING THE CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY AND GELTMORE ALDEA, LLC.**

**WHEREAS**, on May 17, 2011 the City of El Paso ("City") and Geltmore Aldea, LLC ("Geltmore"), a New Mexico limited liability company, entered into a Chapter 380 Economic Development Program Agreement ("Agreement") in relation to Geltmore's development of a Smart Code Master Planned Community ("Planned Community") located near the intersection of Interstate Highway I-10 and Executive Drive in El Paso, Texas;

**WHEREAS**, the Agreement calls for construction to be commenced or caused to be commenced on the Planned Community within twenty-four (24) months of the effective date of the Agreement;

**WHEREAS**, the Agreement allows Geltmore to terminate the contract if certain condition precedents are not completed to its satisfaction including, but not limited to, the Texas Department of Transportation ("TxDOT") approval of projects to provide Interstate Highway I-10 access to the Planned Community within twelve (12) months from the effective date of the Agreement;

**WHEREAS**, TxDOT has not approved the project to provide Interstate Highway I-10 access to the Planned Community;

**WHEREAS**, Geltmore has not commenced nor caused to be commenced construction on the Planned Community;

**WHEREAS**, the City and Geltmore desire the development of the Planned Community occur in the City of El Paso;

**WHEREAS**, the City has concluded that the creation of Planned Community will encourage increased economic development in the City, provide significant increases in the City's property tax revenues, and improve the City's ability to provide for the health, safety, and welfare of the citizens of El Paso; and

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

That the City Manager be authorized to sign the First Amendment to the Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Geltmore Aldea, LLC.

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

Mr. Matthew Behrens, Assistant City Attorney, read revision into the record and gave legal advice.

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE, AS REVISED** a Resolution.

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

NAYS: Representative Holguin

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Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:04 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk