

OSCAR LEESER
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 16, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly at 8:39 a.m., Eddie Holguin, Jr. at 8:42 a.m., and Carl Robinson at 8:44 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

RETT SYNDROME AWARENESS DAY HONORING JULIANA BROOKS

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 Romero, Acosta, Noe, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Lilly, Robinson, and Holguin

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 9, 2013, the Legislative Review Meeting of the Whole of July 8, 2013, and the Legislative Review of the Whole/Work Session of July 9, 2013.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Marcia Margherio to the Animal Shelter Advisory Committee by Representative Larry Romero, District 2.

4A. – 4B. INTRODUCTIONS

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 Romero, Acosta, Noe, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly, Robinson and Holguin

- 4A. An Ordinance changing the zoning of a portion of Section 16, Block 79, Township 3, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Vista Del Sol Drive and west of City Limit. Property Owner: Americas Loop 375 Joint Venture. PZRZ13-00002
- 4B. An Ordinance granting Special Permit No. PZST13-00015, to allow for infill development with reduced lot width and side yard setback on the property described as a portion of Lot 1, Block 2, Town and Country Village 2nd Revised Map, 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 in Chapter 20.24 of the El Paso City Code. Subject Property: 5135 Chromite Street. Property Owner: E. Peinado Development Co. PZST13-00015

PUBLIC HEARING WILL BE HELD ON AUGUST 6, 2013, FOR ITEMS 4A – 4B

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5.

ORDINANCE 18040

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014826 AND NO. 015961 TO APPROVE THE USE OF SUBZONE OPERATOR AGREEMENTS FOR FOREIGN TRADE ZONE NO. 68 AND TO AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THESE TYPES OF AGREEMENTS ON BEHALF OF THE CITY OF EL PASO.**

Representative Acosta commented.

Mr. Jose Quinonez, Foreign Trade Zone Manager, commented.

Motion duly made by Mayor Pro Tempore Niland, 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, Romero, Acosta, Noe, Limón and Niland

NAYS: None

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Robinson

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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6.

ORDINANCE 18041

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 17924 AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS) OF THE EL PASO CITY CODE TO ADD CHAPTER 5.17 (CREDIT ACCESS BUSINESSES) IN ORDER TO SET FORTH REGISTRATION REQUIREMENTS AND CREDIT EXTENSION GUIDELINES, TO AMEND THE EFFECTIVE DATE OF ORDINANCE NO. 17924.**

Ms. Sol Cortez, Assistant City Attorney, gave legal advice.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative 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, Romero, Acosta, Noe, Holguin, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Robinson

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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7A.

ORDINANCE 18042

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 3 AND THE EAST HALF OF LOT 2, BLOCK 59, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 3405 GATEWAY WEST BOULEVARD. PROPERTY OWNER: RICHARD BRENT AZIZ. PZRZ13-00010**

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

Mayor Leeser and Representatives Noe and Limón commented.

Motion duly made by Representative Romero, seconded by Mayor Pro Tempore 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, Romero, Acosta, Robinson, Noe, Holguin, Limón 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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7B.

ORDINANCE 18043

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE IV (ON-PREMISE SIGN REGULATIONS) OF THE EL PASO CITY CODE TO AMEND SIGN STANDARDS FOR WALL SIGNS AND ESTABLISH STANDARDS FOR**

PERPENDICULAR SIGNS IN THE C-5 AND UNION PLAZA (U-P) ZONING DISTRICTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 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).

Mayor Leeser and Representatives Noe, Niland, Robinson, Limón, Acosta, Lilly, and Romero commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Director of City Development

The following members of the public commented:

- 1. Mr. Ray Adauto
- 2. Mr. Richard Dayoub

1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, 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 duly made by Mayor Pro Tempore Niland, seconded by Representative Romero, that the Ordinance be **ADOPTED** and to **DIRECT** staff to re-evaluate opportunities in other parts of the community to allow similar exceptions to the sign ordinance. 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, Romero, Acosta, Robinson, Noe, Holguin, Limón 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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7C. CITY DEVELOPMENT

1ST MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00026, to allow for the expansion of a major utility facility for El Paso Electric Company on the property described as a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.730 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1165 Sunmount Drive. Applicant: El Paso Public Service Board (PSB). PZST12-00026

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00026, to allow for the expansion of a major utility facility for El Paso Electric Company on the property described as a portion of Block 7, Celina Plaza, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.730 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 1165 Sunmount Drive. Applicant: El Paso Public Service Board (PSB). PZST12-00026

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

Mayor Leeser and Representatives Acosta and Noe commented.

Mr. John Balliew. El Paso Water Utilities, President & CEO, commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Ms. Marybeth Stevens, El Paso Electric Company

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7D. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00023, to allow for a Facility-Mounted Personal Wireless Service Facility (PWSF) and imposing a condition 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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7E. CITY DEVELOPMENT

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable To All Platting Procedures), to modify and add exemptions, and amend the time for decision on Plats and Land Studies; Chapter 19.02 (Land Studies), to amend the criteria for approval and criteria for revisions following approval of a Land Study; Chapter 19.03 (Preliminary Plat), to amend the effect of approval of a Preliminary Plat, and the time for expiration and extension of the Preliminary Plat; Chapter 19.04 (Final Plat), to amend the time for expiration and extension of a Final Plat, and the plat recordation procedure; Chapter 19.08 (Construction Plans and Management), to amend the requirements of Subdivision Improvement Plans, the timing of public improvements and permit issuance to allow grading permits without requiring a subdivision, and to amend the security for completion of improvements; Chapter 19.10 (Dedication, Construction Requirements and City Participation), to clarify Roadway Participation Policies and developer's proportionate share; Chapter 19.15 (Roadways), to amend the street/thoroughfare escrow policies and procedures; Chapter 19.21 (Sidewalks), to amend sidewalk requirements for new streets; Chapter 19.41 (Expiration, Extension and Reinstatement), to amend the time of expiration of a plat application; and Chapter 19.46 (Proportionality Appeal), to amend the appeal requirements. The penalty being as provided in Chapter 19.42 of the City of 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).

Representatives Acosta, Limón, and Noe commented.

Ms. Joyce Wilson, City Manager, commented.

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8. CITY ATTORNEY

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **POSTPONE** one week the item on Interim Rate Adjustment Request filed by Texas Gas Service Company, a division of ONEOK, Inc., on April 2, 2013.

Mr. Norman Gordon, outside counsel utility, gave legal advice.
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9.

R E S O L U T I O N

WHEREAS, the City of El Paso, Texas, finds that it is in the best interest of the citizens of the El Paso watershed region that water and wastewater services be available to the maximum extent possible; and,

WHEREAS, the Legislature of the State of Texas enacted Senate Bill 450, which, subject to an enabling Resolution of the City of El Paso City Council, named the City of El Paso, through its El Paso Water Utilities Public Service Board, as the regional water and wastewater planner for El Paso’s watershed; and,

WHEREAS, the City of El Paso passed a Resolution on September 15, 1995, accepting the regional water and wastewater planner designation whereby the City of El Paso, through its El Paso Water Utilities Public Service Board is authorized to act as the regional water and wastewater planner in accordance with Senate Bill 450 as adopted by the 74th Texas Legislature; and,

WHEREAS, pursuant to El Paso Water Utilities Public Service Board Rules and Regulations, El Paso Water Utilities Public Service Board may not use in-city rate payments for water and wastewater projects outside of the City; and,

WHEREAS, the State of Texas/Texas Water Development Board has grant funding available from various programs including, from time to time, through the Economically Distressed Areas Program (EDAP), which could be applied for and used for water and wastewater projects outside of the City; and

WHEREAS, pursuant to its authority as a Home Rule City and Chapter 1502, Texas Government Code, the City of El Paso may vest the management and control of its water and wastewater utilities in an independent Board of Trustees, and has vested such management and control with its El Paso Water Utilities Public Service Board.

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

Section 1. The findings and recitations set forth hereinabove are true and correct and are adopted herein by this reference for all purposes.

Section 2. The City of El Paso hereby grants the authority to apply for funding through grants for water and wastewater projects from the State of Texas and/or Texas Water Development Board, including EDAP grant projects, and the authority to manage such projects, to the President/CEO of the El Paso Water Utilities Water Utilities Public Service Board. In such matters, the President/CEO of the El Paso Water Utilities Public Service Board shall be considered as acting on behalf of the City of El Paso.

Section 3. An original of this Resolution shall be provided to the President/CEO of the El Paso Water Utilities Public Service Board for use in attaching copies of same to any application or documentation required by the State of Texas acting by and through its Texas Water Development Board.

Section 4. Approved, passed and adopted by a majority vote of the City Council of the City of El Paso, Texas meeting in quorum in accordance with the Texas Open Meetings Act.

Representative Niland commented.

Mr. John Balliew. El Paso Water Utilities, President & CEO, commented.

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

NOT PRESENT FOR THE VOTE: Representative Noe

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10. CITY ATTORNEY

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:02 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Niland, and unanimously carried to adjourn the Executive Session at 10:24 a.m. and **RECONVENE** the meeting of the City Council.

3RD AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried that the City Attorney is directed to quickly resolve the challenge to the Texas Attorney General's opinion regarding the release of personal emails and that the City Attorney report back to the City Council within three (3) weeks with the status and the cost to date on hiring outside legal counsel acquired by the city to challenge the AG's opinion.

Mayor Leeser and Representatives Acosta, Robinson, and Limón commented.

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

The following members of the public commented:

- 1. Ms. Anna Perez
- 2. Mr. Othon Medina
- 3. Mr. David Ochoa
- 4. Ms. Lisa Turner
- 5. Ms. Tiffany Townsend Ayala

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11. CITY MANAGER

Presentation of the City Manager's FY 2014 Proposed Budget.

Ms. Joyce Wilson, City Manager, and Ms. Lynly Leeper, Chief Budget Officer presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representatives Niland, Holguin, Acosta, Robinson, and Lilly commented.

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

The following members of the public commented:

- 1. Mr. Othon Medina
- 2. Ms. Lisa Turner
- 3. Mr. David Ochoa

NO ACTION taken on this item.

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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. Dr. Anna Perez
- 3. Ms. Wally Cech
- 4. Mr. Othon Medina
- 5. Ms. Lisa Turner
- 6. Mr. Jose Alexandro Lozano
- 7. Mr. Salvador Gomez
- 8. Dr. Kay Mooy

Representative Niland commented.

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

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 12:41 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk