

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
July 17, 2012
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor 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 arrivals: Susannah M. Byrd, at 8:39 a.m., Michiel R. Noe, at 8:35 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.

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MAYOR'S PROCLAMATIONS

- 1. AMERICANS WITH DISABILITIES ACT ENFORCEMENT DAY**
- 2. INTERNATIONAL TRADITIONAL FERIA DE SALUD (WELLNESS FAIR) DAY**

RECOGNITIONS

- 1. DEBBIE HAMLYN, DEPUTY CITY MANAGER, RETIREMENT AFTER 38 YEARS OF SERVICE**
- 2. DARYL COLE, DIRECTOR, DEPARTMENT OF TRANSPORTATION, RETIREMENT AFTER 26 YEARS OF SERVICE**
- 3. ELVIA HERNANDEZ – STAR ON THE MOUNTAIN AWARD**

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. Richard Schecter
 2. Mr. David Sokolec
 3. Mr. Jorge Artalejo
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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

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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 July 10, 2012.

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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:

WHEREAS, St. Ignatius Catholic Church (hereinafter referred to as "Grantee") is sponsoring St. Ignatius Church Bazaar (hereinafter referred to as "Event"), from Thursday, July 26, 2012 through Sunday, July 29, 2012; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Nino Aguilera Street between East Delta Drive and East Third Avenue and East Third Avenue between South Park Street and Nino Aguilera Street, from 8:00 am Thursday, July 26, 2012 to 12:00 am Monday, July 30, 2012, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the city Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within City right-of-way.

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

That the sale and service of alcoholic beverages by St. Ignatius Church, in the closed portions of City rights-of-way on Nino Aguilera Street between East Delta Drive and East Third Avenue and East Third Avenue between South Park Street and Nino Aguilera Street from 5:00 pm Friday, July 27, 2012 to 12:00 am Saturday, July 28, 2012, 5:00 pm Saturday, July 28, 2012 to 12:00 am Sunday, July 29, 2012 and 5:00 pm Sunday, July 29, 2012 to 12:00 am Monday, July 30, 2012, in conjunction with the St. Ignatius Church Bazaar, is a permissible activity.

4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Bob Brannon to the Ad Hoc Charter Advisory Committee by Representative Ann Morgan Lilly, District 1.

5. FOR NOTATION

*Motion made, seconded, and unanimously carried to **ACCEPT, AS REVISED** the donation of \$1,000 from El Paso Electric Company for Movies at the Vista Del Valle Park, and/or at Album Park.

6. INTRODUCTIONS

6A – 6B and 6D – 6G Taken together

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

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

6A. An Ordinance deleting Chapter 9.32 (Tattooing and Body Piercing) of the El Paso City Code, as those requirements have been moved to Chapter 5.10 of the El Paso City Code and repealing Ordinances Nos. 015715 and 017392 which established and amended the Chapter.

6B. An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.10 (Tattooing and Body Piercing Licenses) of the El Paso City Code to rename the Chapter as Tattoo and Body Art Studio Registration and Artist License, and to amend the Chapter in its entirety; the penalty as provided in Section 5.10.180 of the El Paso City Code.

6D. An Ordinance Amending Title 3 (Revenue and Finance), Chapter 3.04 (Property Taxes), Section 3.04.050 (Delinquent Taxes – Installment Payments) of The El Paso City Code to add Chief Financial Officer as an authorized signatory to installment payment agreements for delinquent property taxes.

THE FOLLOWING ITEMS PERTAIN TO THE ADAPTIVE RE-USE/SUSTAINABLE CITY CENTERS POLICY. PUBLIC HEARING WILL BE HELD ON JULY 31, 2012 FOR ITEMS 6E-6G ALONG WITH ACCOMPANYING POLICIES.

6E. An Ordinance amending Title 15 (Public Services), Chapter 15.08, (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code by repealing Section 15.08.120 (Special Privilege License and Permits) in its entirety and adopting a new Section 15.08.120 (Special Privilege Licenses and Permits) in its place. The penalty is as provided in Section 15.08.125 of the El Paso City Code.

6F. An Ordinance amending Title 18 (Building and Construction), Chapter 18.28 (Existing Building Code), of the El Paso City Code, to facilitate the reuse of existing buildings, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

6G. An Ordinance providing for a one hundred percent reduction of certain development fees specified in Title 18, Title 19, and Title 20 of the El Paso City Code for a period of forty eight months for property

development zoned Smart Code and designated as Transit Oriented Development and identified in the City's Sustainable City Centers Incentive Policy.

- 6C. *Motion made, seconded, and unanimously carried to **DELETE** the Introduction of an Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.010 (Sale of Goods and Services), Section 13.24.020 (Renting Vehicles or Animals-maintaining Amusement Devices), Section 13.24.030 (Authority to grant Licenses, Privileges or Concessions), Section 13.24.040 (Hours of Closure), Section 13.24.050 (Use of Athletic Fields), Section 13.24.060 (Camping), Section 13.24.070 (Dangerous Amusements), Section 13.24.080 (Horses), Section 13.24.090 (Motor Vehicles), Section 13.24.100 (Violation of Sections 13.24.060 through 13.24.090-Penalty), Section 13.24.110 (Play Areas for Young Children), Section 13.24.120 (Alcoholic Beverages-Definitions), Section 13.24.130 (Alcoholic Beverages-Prohibitions), Section 13.24.140 (Alcoholic Beverages-Permit Issuance by Director), Section 13.24.150 (Alcoholic Beverages-Permit Issuance by City Council), Section 13.24.160 (Alcoholic Beverages-Sales by Certain Organizations), Section 13.24.180 (Alcoholic Beverages-Violation and Penalty), Section 13.24.190 (Glass Beverage Bottles or Containers Prohibited), Section 13.24.210 (Enforcement), of the El Paso City Code; the penalty being as provided in Section 13.24.220 and Sections 1.08.010-1.08.030 of the El Paso City Code.

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7A. and 7B. taken together

ORDINANCE 17819

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/C (COMMERCIAL/CONDITION) TO A-O/C (APARTMENT-OFFICE/CONDITION); AND PARCEL 2: PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM PR-I (PLANNED RESIDENTIAL I) TO A-O (APARTMENT-OFFICE), THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: RICH BEEM BOULEVARD AT EASTBROOK DRIVE. PROPERTY OWNER: TROPICANA DEVELOPMENT, INC. PZRZ12-00007**

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:

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

7B.

ORDINANCE 17820

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 016385 WHICH CHANGED THE ZONING OF A PORTION OF SECTION 27, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, 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: RICH BEEM BOULEVARD AT EASTBROOK DRIVE. PROPERTY OWNER: TROPICANA DEVELOPMENT, INC. PZCR12-00004**

Mr. Mathew McElroy, Director, 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, 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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7C.

ORDINANCE 17821

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO MODIFY THE BOUNDARIES OF THE TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS TO ENLARGE THE BOUNDARIES OF THE EXISTING ZONE TO INCLUDE AN ADDITIONAL AREA IN DOWNTOWN EL PASO: ADDITION B AREA - UNION PLAZA, AS MORE FULLY DESCRIBED HEREIN; ADOPTING AN AMENDMENT TO THE FINAL PROJECT AND FINAL REINVESTMENT ZONE FINANCING PLANS; AND TO AMEND OTHER PROVISIONS OF ORDINANCE NO. 016528 RELATED THERETO.**

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

Representatives Byrd, Robinson, Ortega, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Niland, 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, Noe, Ortega and Niland
NAYS: Representative Holguin
ABSTAIN: 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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8.

ORDINANCE 17822

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND ROBERTO SERGIO AND LORUAMA HERNANDEZ WHICH WILL ALLOW THE CITY TO CONVEY LOT 19, LESS THE NORTHERLY 4.36 FEET THEREOF AND LESS THE SOUTHERLY 0.77 FEET THEREOF, BLOCK 3, HUECO MOUNTAIN VILLAGE REPLAT A, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (3699 PRAIRIE ROSE STREET, EL PASO, TEXAS), TO ROBERTO SERGIO AND LORUAMA HERNANDEZ.**

Representatives Byrd and Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. William Lilly, Director, Community and Human Development, commented.

Mr. Ray Mancera, citizen, commented.

1st MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

2nd AND FINAL MOTION

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 Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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9A. – 9C. taken together

9A.

R E S O L U T I O N

WHEREAS, the 82nd Legislature of Texas enacted S.B. 1048, entitled the Public and Private Facilities and Infrastructure Act, Chapter 2267, Texas Government Code for the purpose of encouraging private entity participation, creativity and completion and to guide the selection of qualifying projects in the public-private partnership development program, including the adoption of guidelines by local governments;

WHEREAS, on May 22, 2012, the City Council of El Paso directed City staff to prepare local guidelines for a proposed Public-Private Partnership Program;

WHEREAS, on City staff has proposed that the Council adopt this resolution approving the City's Public-Private Partnership Guidelines for the development or operation of qualifying projects to provide public services and facilities, as attached as **Exhibit A** to this Resolution.

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

That the City hereby adopts the City of El Paso Public-Private Partnership Guidelines for the development or operation of qualifying projects to provide public services and facilities, which is attached hereto as **Exhibit A** and incorporated herein by reference, provided that:

- a) The City Council shall be notified of any Unsolicited Proposals submitted to City;
- b) Any Unsolicited Proposals that the City Manager determines should be rejected shall be posted on a Council agenda for notation;
- c) Before submitting an Unsolicited Proposal, a Private Entity shall submit a notice of intent to the City and the City's Cone of Silence policy shall commence upon receipt of such notice;
- d) The Council shall approve the issuance of a Solicitation for any Public-Private Partnership project prior to its issuance; and
- e) City staff shall conduct at least two (2) educational sessions annually to inform the public about the City's Private-Public Partnership Guidelines.

9B.

R E S O L U T I O N

WHEREAS, on July 20, 2004, the City Council adopted a resolution approving the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2267 of the Texas Government Code), including design-build and designated the Director of Purchasing to determine, before advertising, which of the methods provides the best value to the City;

WHEREAS, the Council resolution requires staff to amend Title 2 (Administration and Personnel) of the City Code to establish selection procedures for design build firms; and

WHEREAS, on December 13, 2005 by Ordinance No. 16230, the Council deleted Title 2 (Administration and Personnel), Chapter 2.88 (Selection Procedures for Architects, Engineers and Land Surveyors) of the City Code in its entirety; and

WHEREAS, in lieu of such Code amendment, staff has proposed that the Council adopt this resolution approving the City's Design-Build Procurement Policy for City facilities and City civil works projects, attached as **Exhibit A** to this Resolution, and designate the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value to the City.

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

That the City hereby adopts the City of El Paso Design-Build Procurement Policy for City facilities and City civil works projects which is attached hereto as *Exhibit A* and incorporated herein by reference, and designates the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value to the City, provided that the Council shall approve the issuance of a Solicitation for any Design-Build project prior to its issuance.

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

9C.

ORDINANCE 17823

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.94 (REGULATION OF LOBBYING ACTIVITIES), SECTION 2.94.090 (RESTRICTED ACTIVITIES) OF THE EL PASO CITY CODE TO AMEND THE TYPE OF SOLICITATIONS IN WHICH PERSONS ARE RESTRICTED FROM ENGAGING IN LOBBYING ACTIVITIES.**

Motion duly made by Representative Niland, seconded by Representative Acosta, 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, 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, AS REVISED**.

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9D.

ORDINANCE 17824

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NO. 016911 DATED JUNE 10, 2008 ADOPTING SUSTAINABLE DEVELOPMENT DESIGN STANDARDS FOR CITY BUILDINGS, SO THAT NEW STANDARDS MAY BE ADOPTED BY RESOLUTION.**

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented.

Motion duly made by Representative Byrd, 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**.

RESOLUTION

WHEREAS, development and construction practices are significant contributors to the depletion of natural resources and a major cause of air and water pollution, deforestation, health hazards, global warming, accumulation of solid and toxic waste and other negative consequences; and

WHEREAS, the City of El Paso has pledged to take a leadership role in promoting public awareness about the causes and impacts of climate change; and

WHEREAS, the City of El Paso finds that green building measures applied to the design, construction and maintenance of buildings achieves the goals of encouraging resource conservation, reducing the waste generated by construction projects, increasing energy efficiency, and promoting the health and productivity of residents, workers, and visitor to the city; and

WHEREAS, on June 10, 2008 the City, through Ordinance No. 016911, adopted Sustainable Development Design Standards requiring all new City buildings over 5,000 square feet to be designed, contracted and built to a minimum LEED Silver certification level and all major renovations to City building be designed, contracted and built to include as many principles of the LEED program as feasible; and

WHEREAS, the industry standards for sustainable green design and construction are constantly developing and subject to technological improvements; and

WHEREAS, the City now desires to amend the Sustainable Development Design Standards for City buildings adopted by City Council on June 10, 2008; and

WHEREAS, concurrent with this Resolution the City has repealed Ordinance No. 016911 in order to adopt amended Sustainable Development Design Standards for City buildings.

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

That the City Council approve and adopt the amended Sustainable Development Design Standards for City buildings to replace the Sustainable Development Design Standards which were adopted by Ordinance No. 016911 on June 10, 2008.

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

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

NAYS: None

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10A. CITY DEVELOPMENT

1st MOTION

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

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

NAYS: None

2nd AND FINAL MOTION

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **SUPPORT** element one with a wildlife corridor and to yield advise from TXDOT.

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

NAYS: None

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

The following City Staff commented.

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice
- 3. Mr. Carlos Gallinar, City Development
- 4. Ms. Sylvia Firth, City Attorney, gave legal advice

The following members of the public commented.

- 1. Ms. Risher Gilbert, Gilbert Law Firm
- 2. Mr. Corky Kuhlman, Texas Parks & Wildlife
- 3. Dr. Richard Teschner, Frontier Land Alliance
- 4. Mr. Michael Gaglio, Frontier Land Alliance
- 5. Mr. Ryan Little, Frontier Land Alliance
- 6. Dr. Rick Bonart, Citizen
- 7. Mr. Tony Uribe, Jr. TxDOT
- 8. Ms Pat Aduato, El Paso Water Utilities
- 9. Ms. Judy Ackerman, Citizen

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10B.

ORDINANCE 17825

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE MASTER ZONING PLAN APPROVED ON AUGUST 12, 2008, BY ORDINANCE NO. 016959 FOR THE REZONING TO GMU OF SECTIONS 9, 10, 15, 16, 17, AND 18, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; AND A PORTION OF SECTIONS 11, 14, AND 19, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; AND A PORTION OF SECTIONS 11, 12, 13, 14, 19, 20, AND 21, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS; AND A PORTION OF SECTIONS 7, 17, 18, 19, 20, AND 30, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, 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: NORTH OF U.S. 54 AND EAST OF MCCOMBS STREET. PROPERTY OWNER: EL PASO WATER UTILITIES - PUBLIC SERVICE BOARD AND CITY OF EL PASO. PZRZ12-00008**

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

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

Ms. Pat Aduato, El Paso Water Utilities, commented.

Mr. Keith Dewey, 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, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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11A. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Robinson, and carried to **INCREASE** and keep social services program funding at fifteen percent.

AYES: Representatives Byrd, Acosta, Robinson, Noe, Holguin, and Niland

NAYS: Representatives Lilly and Ortega

Mr. William Lilly, Director, Community Development, presented a PowerPoint presentation, (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. John Martin, Salvation Army
2. Mr. Jaime Barceleau, citizen

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11B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution regarding temporary procedures for the issuance of Public Service Board/EI Paso Water Utilities Revenue Bonds.

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11C. MAYOR AND COUNCIL

Update on the Ports of Entry Task Force.

NO ACTION was taken on this item.

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11D. MAYOR AND COUNCIL

Discussion and action on the requirement for drivers to carry liability insurance and the city's ability to limit discretion on enforcement.

Chief Greg Allen, Police commented.

Assistant Chief, Robert Feidner, Police, commented.

NO ACTION was taken on this item.

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:10 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried to adjourn the Executive Session at 3:31 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Harold Collins, et. al. vs. The City of El Paso, et. al.; Cause No 2009-2736 (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 file an interlocutory appeal in the case entitled *Harold Collins vs. City of El Paso, et. al.*, Cause No. 2009-2736, as recommended by the City Attorney.

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

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EX2. Consolidated Tax Office Property Tax overpayment Account Review – Project no P2012-12 (551.071)

NO ACTION was taken on this item.

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ADD1 EX1

1st MOTION:

EX1. Coalition for Responsive Government Letter of Intent. (551.071)

NO ACTION was taken on this item.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Robinson that the City Attorney’s Office be authorized not to expend any funds in the case entitled Coalition for Responsive Government Letter of Intent.

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

THE MOTION FAILS.

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Motion made by Representative Robinson, seconded by Representative Niland, and unanimously carried to
ADJOURN this meeting at 4:53 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk