

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
August 7, 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, Susannah M. Byrd, Emma Acosta, Carl Robinson, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrival: Eddie Holguin, Jr. at 8:36 a.m. The invocation was given by, CIMA Chaplain Carlos Clugy-Soto followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

1. **PURPLE HEART DAY**
2. **DAVID L. CARRASCO JOB CORPS WEEK**
3. **RETT SYNDROME AWARENESS DAY HONORING JULIANA BROOKS**
4. **VIVA EL PASO MONTH**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Bill Hart, Jr.
2. Mr. Ron Jackson
3. Ms. Esther Perez
4. Mr. Jorge Artalejo
5. Ms. Lisa Turner
6. Mr. Jerry Thiedt

Mayor Cook and Representatives Byrd, and Robinson commented.

.....

CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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 July 31, 2012 and the Special City Council Meeting of July 23, 2012 and the Special City Council Meeting of July 25, 2012 (Budget Hearings for Police, Environmental Services, Library, Parks and Recreation and Non-Departmental), and the Special City Council Meeting of July 26, 2012, (Budget Hearings for City Attorney, Human Resources, Financial Services, Tax, Mayor and Council and OMB/City Manager).

.....
2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

.....
3A AND 3B TAKEN TOGETHER

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR**.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried **NOT TO ALLOW** school districts to use our facilities until they have an interlocal agreement with the City.

3A. PARKS AND RECREATION

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **DELETE** a Resolution authorizing the Mayor to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Independent School District (the "District"), to enhance the quantity and quality of recreational and athletic facility uses available to the residents of the City, at no cost to the City with the exception of City activities outside of EPISD normal facility operations.

3B. PARKS AND RECREATION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **DELETE** a Resolution authorizing the Mayor to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the Ysleta Independent School District (the "District"), to enhance the quantity and quality of recreational and athletic facility uses available to the residents of the City, at no cost to the City with the exception of City activities outside of YISD normal facility operations.

Representative Lilly, Byrd Noe, and Holguin, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Liza Ramirez-Tobias, Capital Assets Manager
3. Ms. Nannette Smejkal, Director of Parks and Recreation

.....

4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joanne Burt to the Tax Increment Reinvestment Zone Number 6 Board of Directors by Representative Ann Morgan Lilly, District 1.

.....

4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Holt Grambling to the Tax Increment Reinvestment Zone Number 6 Board of Directors by Representative Cortney Carlisle Niland, District 8.

.....

4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **DELETE** the appointment of Pifas Silva to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Susie Byrd, District 2.

.....

5A. – 5E. INTRODUCTIONS

Motion made by Representative Ortega, 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:

- 5A.** An Ordinance ordering a Bond Election to be held in the City of El Paso, Texas, on November 6, 2012 making provisions for the conduct of the Election and resolving other matters incident and related to such election.
- 5B.** An Ordinance ordering a special election to be held in the City of El Paso, Texas on November 6, 2012 for a venue project and imposing hotel occupancy tax, making provisions for the conduct of the election, and resolving other matters incident and related to such election.

PUBLIC HEARING WILL BE HELD ON AUGUST 14, 2012, FOR ITEMS 5A – 5B

- 5C.** An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by section 311.011(E) Texas Tax Code; also providing a severability clause.
- 5D.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations), Section 20.18.020 (Applicability) and Section 20.18.050 (Definitions) of the El Paso City Code, to add a definition for wayfinding sign and to exclude wayfinding signs from the provisions of Chapter 20.18. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 5E.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), of the El Paso City Code to add a City wayfinding program. The penalty is as provided in Section 15.08.125 of the El Paso City Code

PUBLIC HEARING WILL BE HELD ON AUGUST 21, 2012, FOR ITEMS 5C – 5E

.....
6.

ORDINANCE 17846

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.04 (PROPERTY TAXES), SECTION 3.04.035 (EXEMPTION-HISTORICALLY SIGNIFICANT SITES) OF THE EL PASO CITY CODE; TO ALLOW THE TAX EXEMPTION TO REMAIN WITH THE PROPERTY FOR THE DURATION OF THE EXEMPTION REGARDLESS OF OWNERSHIP TRANSFER AND TO LENGTHEN THE TERM OF THE TAX EXEMPTION FOR CONTRIBUTING PROPERTIES IN THE DOWNTOWN HISTORIC DISTRICT TO FIFTEEN YEARS.**

Mayor Cook and Representatives Byrd and Noe commented.

The following City staff members commented:

1. Mr. Mathew McElroy, Director, City Development
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, 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: Representatives Robinson and 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**.

.....
7.

ORDINANCE 17847

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.56 (PARKING METERS), SECTION 12.56.020.F (INSTALLATION) TO REMOVE THE REQUIREMENTS FOR PARKING METER FEES ON SATURDAYS; AND TO ALLOW FOR A DEBIT OR CREDIT CARD PROCESSING FEE IN SECTION 12.56.090.C; THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Said Larbi-Cherif, Director of International Bridges

Ms. Lisa Turner, citizen, commented.

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

.....
8.

ORDINANCE 17848

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A DEED WITHOUT WARRANTY TO CONVEY 26.020 ACRES OF CITY LAND UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TO THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE SPUR 276 PROJECT, LOOP 375 EXPANSION OF TRANSMOUNTAIN ROAD, LOCATED NORTH OF BORDERLAND TO TALBOT AT IH-10, AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL NECESSARY DOCUMENTATION TO COMPLETE THE CONVEYANCE.**

Mayor Cook commented.

Mr. Jim Shelton, Land Manager, El Paso Water Utilities, commented.

Motion duly made by Mayor Pro Tempore Lilly, 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: 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.**

.....
9A. CITY MANAGER

Discussion and action on the City Manager’s short and long term execution plan for the relocation of City operations from the City Hall site to other locations in the downtown area as authorized by resolution adopted on June 26, 2012, to include the following:

a) Discussion and action on a presentation from TVO regarding the City’s options for City Hall relocation in the downtown area.

b) Discussion and action on a presentation from City staff to outline the various strategies with regards to procurement and contracts related to the relocation, the pending actions anticipated within the next 30-90 days and the estimated timeline for activities related to the relocation.

c) Discussion and action on Resolution to authorize the City Manager to negotiate and execute, on behalf of the City of El Paso, a Contract of Sale with Luther Acquisition LP for the purchase Lots 11-14, Block 230 Campbell Addition, El Paso County Texas, municipally known as 218 N. Campbell in the amount not to exceed \$17,431,000, provided that the Closing will occur after the Seller has completed the renovation, remodeling and adaptation to bring the property to compliance with building codes and modern building standards for the City’s use for information technology operations, offices and related uses, consistent with the terms and conditions attached to the Resolution, subject to the review and approval of the City

Attorney; authorize the City Manager to sign all documents and take all actions necessary to effectuate this transaction; and directing the City Manager to initiate the process to add this project to the City's Capital Improvement Program

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES** to allow for additional speakers after the sign up period.

NO ACTION, other than the above procedural Motion, was taken on the item.

TAKEN TOGETHER WITH EX3

d) Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **APPROVE** a Resolution authorizing the City Manager to negotiate the purchase of the building located at 801/811 Texas in an amount not to exceed \$2,338,000, and to execute any related contract documents and agreements necessary, subject to the City Attorney's Office review and approval, for the acquisition of this building from Harl E. Dixon to be used as the primary location for the City Development Department and other City departments to be determined; further, that the City Manager be authorized to establish this project as a City Capital Project and that this project be funded from Certificates of Obligations to be issued as necessary for this project.

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

NAYS: Representatives Acosta, Robinson, and Holguin

Ms. Joyce Wilson, City Manager, and Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Russ Vandenberg, TVO Consultants and John Former, RJL Real Estate, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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

The following members of the public commented:

1. Ms. Susan Melendez
2. Ms. Lisa Turner
3. Mr. Jerry Thiedt
4. Ms. Alma J. Green
5. Mr. John Goodrich
6. Mr. Fred Camarillo
7. Mr. Salvador Gomez
8. Mr. Richard Schecter
9. Mr. Adrian Duran
10. Mr. Ricardo Fernandez
11. Mr. Robb Chavez
12. Mr. Al Soto
13. Mr. Jorge Artalejo

.....
9B.

RESOLUTION

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

That the City Manager be authorized to sign and submit the Services Agreement for LBL Technology Partners to produce a project plan for the relocation of the technology located within City Hall and perform project management and oversight of said project plan, in the amount not to exceed \$45,000, for a six month term.

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

Ms. Joyce Wilson, City Manager and Mr. Peter Cooper, City/County IT Director, commented.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: Representatives Robinson and Holguin

.....
10A AND 10B. TAKEN TOGETHER

10A. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried to **RE-ESTABLISH** Standing Council LRC's under the new portfolio arrangement as follows: Finance and Audit; Tourism and Development; Transportation and Infrastructure; and Safety and Community Services. To allow for more deliberate review and discussion and policy and program initiatives prior to convening LRC of the Whole. This would not preclude scheduling LRC of the Whole for major topics demanding full Council participation at outset. **THE MOTION FAILS**

AYES: Representatives Lilly, Byrd, and Noe

NAYS: Representatives Acosta, Robinson, Holguin, Ortega, and Niland

10B. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **INSTITUTE** an audit oversight committee. All work finalized by City Council and auditor given independent access.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Edmundo Calderon, Chief Internal Auditor

Ms. Lisa Turner, citizen, commented.

.....
10C.

RESOLUTION

WHEREAS, the Mission Trail is a historical corridor that begins in Ysleta and ends in San Elizario, and features the Ysleta Mission, the Socorro Mission and the presidio Chapel of San Elizario;

WHEREAS, this corridor and the missions represent the long and rich history of their respective communities, as well as the nations of Spain, Mexico, and the United States; and

WHEREAS, several private and public stakeholders are committed in the revitalization of the Mission Trail to preserve, improve, and promote tourism of this historical area.

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

That City Council supports a consolidated and sustained effort to promote and improve the look of the Mission Trail.

Representatives Acosta and Ortega commented.

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

.....
10D.

RESOLUTION

WHEREAS, Texas has more uninsured residents than any other state in the union (6.2 million people or 35% of the population);

WHEREAS, one-in-three El Paso residents are without health insurance coverage;

WHEREAS, Governor Rick Perry has rejected up to \$112 billion in new federal Medicaid funds over the next ten years; which would include an estimated 135,000 El Paso residents who would benefit and gain health coverage under the Medicaid program;

WHEREAS, Governor Rick Perry states; "I oppose both the expansion of Medicaid as provided in the Patient Protection and Affordable Care Act and the creation of a so-called "state" insurance exchange, because both represent brazen intrusions into the sovereignty of our state." This statement is completely subjective and an unjust action against uninsured residents in Texas;

WHEREAS, if rejected by Governor Rick Perry, federal funding for the Medicaid expansion program will be redirected from Texas to other states to cover their low-income residents;

WHEREAS, the loss of additional federal funding will further marginalize the poor in the El Paso community and will have a profound impact on doctors and hospitals that care for them; and

WHEREAS, the City of El Paso is firmly committed in supporting uninsured El Paso residents and the expansion of the Medicaid program in Texas.

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

That the City of El Paso, and its duly elected Mayor and Representatives, support the expansion of Medicaid program in Texas and find that if rejected, would be detrimental to our communities and economic prosperity.

Mayor Cook and Representatives Noe and Ortega commented.

Motion made by Representative Acosta, seconded by Representative Noe, and unanimously carried to **APPROVE** the Resolution.

.....
ADDITION TO THE AGENDA

1. CITY MANAGER’S OFFICE

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **CLOSE** the First Public Hearing on the City of El Paso’s proposed Fiscal Year 2013 property tax increase.

Ms. Lynly Leeper, Director, Office of Management and Budget, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Ms. Lisa Turner, citizen, commented.

.....
Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:21 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 Representative Byrd, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 1:09 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....
EX1. Petition filed by Quality of Life Voters for Democracy on July 31, 2012. (551.071)

1st MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **RETIRE INTO EXECUTIVE SESSION** at 1:14 p.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 Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 1:25 p.m. and **RECONVENE** the meeting of the City Council.

3rd MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and carried that the City Attorney explains what was discussed in executive session on item EX1 to the public waiving attorney client privilege. **THE MOTION FAILS**

AYES: Representatives Acosta, Robinson, Noe, and Holguin
NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and Niland
Mayor Cook broke the tie, voting Nay.

4th AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Noe, and carried that the City Attorney provide an open session on the election dates for putting a petition on the ballot for November.

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

NAYS: Representative Robinson

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

The following City staff members commented:

- 1. Ms. Richarda Momsen, Municipal Clerk
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Salvador Gomez

.....

EX2. 300 N. Campbell, El Paso, Texas, TX. Gov. Code Sections 551.071 and 551.072

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **AUTHORIZE** the City Manager to continue negotiation with acquisition of 300 N. Campbell.

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

NAYS: Representatives Robinson and Holguin

Ms. Lisa Turner, citizen, commented.

.....

EX3. 801/811 Texas, El Paso, Texas, Texas Gov. Code Sections 551.071 and 551.072

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried To authorize the city Manager to continue negotiation with acquisition of 801/811 Texas.

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

NAYS: Representatives Acosta, Robinson and Holguin

.....

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 3:25 p.m.

.....
APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk