

**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 16, 2011  
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:08 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, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrival: Emma Acosta at 9:09 a.m. and Michiel Noe at 9:09 a.m. The invocation was given by Border Patrol Chaplain, Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

- 1. National Airborne Day**
- 2. El Paso Branch of the NAACP Day**

**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 9:00 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. Timothy West
2. Mr. John Conwell
3. Mr. Roberto Castor
4. Mr. James Perry
5. Mr. Salvador Gomez
6. Ms. Esther Perez
7. Mr. Manny Hinojosa
8. Mr. Robert Moses

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

Ms. Joyce Wilson, City Manager, commented

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**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

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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 August 9, 2011.

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

\***NO ACTION** was taken on this item.

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**3. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Czerwinsky to the El Paso County 911 District Board of Managers by Mayor John F. Cook.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Edmundo Rodriguez, Jr. to the Empowerment Zone Board by Representative Cortney Niland, District 8.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Jeffrey E. Gonzalez as an Alternate to the Zoning Board of Adjustment by Representative Emma Acosta, District 3.

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**4C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Eddie Sandoval to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3.

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**5A. – 5C. INTRODUCTIONS**

Motion made by Representative Acosta, seconded by Representative Byrd, 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

**5A.** An Ordinance amending Ordinance No. 017381 which set the fee structure for the Fire Department Medical Services System to delete the first free mile provision; the penalty as is provided in Section 9.52.030 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON AUGUST 30, 2011, FOR ITEM 5A**

- 5B.** An Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, 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.
- 5C.** An Ordinance changing the zoning of Tract 7E3, Block 34, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch & Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011, FOR ITEMS 5B – 5C**

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**6. CITY MANAGER’S OFFICE**

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **CLOSE** the Second Public Hearing on the City of El Paso's proposed Fiscal Year 2012 property tax increase.

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

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

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

The following citizens commented:

- 1. Ms. Lisa Turner
- 2. Mr. Bill Palmer
- 3. Mr. Mark Benitez

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**7A.**

**ORDINANCE 17625**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS), SUBPART B (LOT AND DWELLING SIZE), OF THE EL PASO CITY CODE TO REVISE THE DENSITY REGULATIONS FOR APARTMENTS IN THE C-5 (CENTRAL BUSINESS DISTRICT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Ortega and Robinson commented.

The following city staff members commented:

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

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**.

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**7B. PLANNING AND ECONOMIC DEVELOPMENT**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 26 AND SOUTH HALF OF TRACT 25, RANGERS REST SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

Motion made by Representative Ortega, seconded by Representative Byrd, that the Ordinance be **DENIED**. Whereupon the Mayor ordered that a vote be taken on the denial 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 denial of the Ordinance, the same be and the same are hereby **DENIED**.

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**7C.**

**ORDINANCE 17626**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF THE ALLEY OUT OF BLOCK 12, WOMBLE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representative Acosta commented.

Mr. Mathew McElroy, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Motion duly made by Representative Acosta, 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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**8A.**

**ORDINANCE 17627**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO MILLS PLAZA PARKING, LP, OWNER AND EL PASO COMMUNITY FOUNDATION, LESSEE FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, USE AND REPAIR OF ONE OUTDOOR PATIO CAFE WITHIN PORTIONS OF CITY RIGHT-OF-WAY ALONG NORTH OREGON STREET ADJACENT TO THE PROPERTY LOCATED AT 401 N. OREGON STREET AND ALLOWING THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES AS A PERMISSIBLE ACTIVITY WITHIN THE OUTDOOR PATIO CAFE AREA.**

Ms. Mirian Spencer, Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Representatives Ortega, Niland, and Byrd, commented.

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, 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**.

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**8B.**

**ORDINANCE 17628**

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 AMEND AND DELETE SOME OF THE EXISTING LOCATIONS.**

Mr. Daryl Cole, Director of Department of Transportation, 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, 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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**8C.**

**ORDINANCE 17629**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE PERMIT TO THE PLACE AT UNION PLAZA, INC. PERMITTING THE ENCROACHMENT OF TWELVE AWNINGS, ONE METAL FAÇADE, AND TWO HANDICAP ACCESSIBILITY RAMPS WITHIN PORTIONS OF CITY RIGHTS-OF-WAY ON ANTHONY STREET AND W. SAN ANTONIO AVENUE ADJACENT TO THE PROPERTY LOCATED AT 518 SAN ANTONIO AVENUE.**

Ms. Mirian Spencer, Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. James Perry, citizen, commented.

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, 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**.

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**9.**

**ORDINANCE 17630**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.14 (ANIMAL SALES, BREEDING AND SHOWS), TO AMEND THE EFFECTIVE DATE OF CERTAIN RETAIL ANIMAL SALES RESTRICTIONS; THE PENALTY BEING AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE.**

Mayor Cook commented.

Mr. Michael Hill, Director of Public Health, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, 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**.

10.

**RESOLUTION**

**WHEREAS**, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

**WHEREAS**, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

**WHEREAS**, pursuant to Section 375.064(a) of the Code, the Board of Directors of the District ("Board") convened a meeting open to the public for the purpose of recommending a slate of persons to serve as members of the Board; and

**WHEREAS**, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

1. That the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be reappointed as directors of the District:

- Leonard "Tripper" Goodman II
- Bob Ayoub
- Marco Bencomo
- Brent Harris
- Sam Legate
- Brant Chandler
- Ruben Torres
- Y. I. Santoscoy

2. And that the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District:

- Arlene Carroll
- Sandra Almanzan
- Octavio Gomez

3. Terms of office for each of the individuals will be determined by drawing of lots after the slate of candidates is approved by City Council.

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

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

11.

**RESOLUTION**

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

**WHEREAS**, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

**WHEREAS**, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

**WHEREAS**, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

**WHEREAS**, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

**WHEREAS**, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

**WHEREAS**, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Ms. Nanette Smejkal, Parks and Recreations, commented.

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

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

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**12A.**

**RESOLUTION**

Whereas the United States Army Corps of Engineers has plans to construct a stormwater and sediment detention basin to protect the neighborhoods surrounding Sun Valley Drive in northeast El Paso; and,

Whereas, the United States Army Corps of Engineers requested that the Open Space Advisory Board and the City submit comments concerning the scoping of the above described Project; and,

Whereas the City of El Paso Storm Water Master Plan includes projects to protect citizens from flood damages in the Sun Valley Drive and Fairbanks Drive areas of the City's northeast sector; and

Whereas on March 14, 2006 the City Council adopted a resolution calling for the preservation of Castner Range as natural open space for the citizens of El Paso to enjoy; and,

Whereas the Open Space Advisory Board has discussed the Project and recommends that the City Council submit a Resolution containing comments and recommendations for the United States Army Corps of Engineers to consider when completing the Project;

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

That the U.S. Army Corps of Engineers, Albuquerque District, consider and address the following comments in the draft environmental assessment, such comments provided so that the Project assists the City in meeting the goals established and adopted in the March 2006 Resolution and to develop an alternative that creates the least amount of degradation to the Castner Range.

1. In the alternative analysis, include an alternative that is limited in size to the smallest area needed to retain sediment, while only detaining (not retaining) runoff from the infrequent storm events (25-year and larger return periods), in order to release the storm water at a flowrate that can be safely conveyed by the downstream concrete-lined channel.
2. Limit alternatives evaluated to those that provide flood protection from storm events up to the 100-year return period, which is the current design standard for the City of El Paso, and not the SPF or PMF events.
3. In development of alternatives, evaluate the possibility of maintaining the arroyo system morphology within the project, through use of off-line retention/detention structures for sediment/runoff.
4. As part of the project's mitigation, require the area of disturbance for the recommended alternative to be limited to the minimum necessary to construct the project, and include fencing requirements in the construction documents to prevent unauthorized equipment excursions into adjacent areas.
5. As part of the project's mitigation, require development of a re-vegetation plan for the area disturbed by the project.
6. As part of the biological survey, identify characteristic vegetative species of the Chihuahuan desert to be flagged, transplanted, stored, and re-planted as part of the re-vegetation plan for the completed project.
7. Address the feasibility of restoration and re-vegetation of flood-damaged arroyo corridors within the project area.
8. Require evaluation of the use of native materials (native rock, rock in gabions, earthen structures, etc.) for construction instead of concrete for mitigation of the aesthetic impacts of the project.

9. Consider the possibility of using the project as an arid region, green infrastructure demonstration project, including the potential for water harvesting to support the re-vegetation plan.

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

The following city staff members commented:

- 1. Mr. Mathew McElroy, Deputy Director of Planning and Economic Development
- 2. Mr. R. Alan Shubert, City Engineer

Mr. John Bellew, Stormwater Utility, commented.

Mr. Charlie Wakeem, Chair, Open Space Advisory Board, commented.

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **APPROVE AS REVISED** the Resolution.

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

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**ITEMS 12B, 12C AND 12D TAKEN TOGETHER AND VOTED ON SEPERATELY**

**12B.**

**RESOLUTION**

**A RESOLUTION NOMINATING TENET HOSPITALS LIMITED (SIERRA MEDICAL CENTER) AS A TEXAS STATE ENTERPRISE ZONE PROJECT**

**WHEREAS**, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

**WHEREAS**, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Tenet Hospitals Limited (Sierra Medical Center) has applied to the City for designation as an enterprise zone project; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Tenet Hospitals Limited (Sierra Medical Center) as an enterprise project pursuant to a nomination and an application made by the City; and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, the City finds that Tenet Hospitals Limited (Sierra Medical Center) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- 1. Tenet Hospitals Limited (Sierra Medical Center) is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site

located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Tenet Hospitals Limited (Sierra Medical Center) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that Tenet Hospitals Limited (Sierra Medical Center) meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited (Sierra Medical Center) for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited (Sierra Medical Center) as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited (Sierra Medical Center) is a "qualified business" as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

**12C.**

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

**A RESOLUTION NOMINATING TENET HOSPITALS LIMITED (PROVIDENCE MEMORIAL HOSPITAL) AS A TEXAS STATE ENTERPRISE ZONE PROJECT**

**WHEREAS**, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

**WHEREAS**, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Tenet Hospitals Limited (Providence Memorial Hospital) has applied to the City for designation as an enterprise zone project; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Tenet Hospitals Limited (Providence Memorial Hospital) as an enterprise project pursuant to a nomination and an application made by the City; and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city

and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, the City finds that Tenet Hospitals Limited (Providence Memorial Hospital) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited (Providence Memorial Hospital) is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Tenet Hospitals Limited (Providence Memorial Hospital) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that Tenet Hospitals Limited (Providence Memorial Hospital) meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited (Providence Memorial Hospital) for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited (Providence Memorial Hospital) as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited (Providence Memorial Hospital) is a “qualified” business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

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

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Gadney, Business Services Coordinator

The following members of the public commented:

1. Mr. Dale Maddox, CFO Sierra Providence East
2. Ms. Lisa Turner

3. Ms. Caitlyn Glenn, Ryan and Company

**1ST MOTION**

Motion made by Representative Robinson, seconded by Representative Ortega to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the signup period.

**2ND AND FINAL MOTION**

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

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

NAYS: Representative Holguin

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**12D.**

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

**A RESOLUTION NOMINATING TENET HOSPITALS LIMITED (SIERRA PROVIDENCE EAST MEDICAL CENTER) AS A TEXAS STATE ENTERPRISE ZONE PROJECT**

**WHEREAS**, the City Council of the City of El Paso (“City”) has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

**WHEREAS**, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (“Act”), Tenet Hospitals Limited (Sierra Providence East Medical Center) has applied to the City for designation as an enterprise zone project; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism (“EDC”) through the Economic Development Bank (“Bank”) will consider Tenet Hospitals Limited (Sierra Providence East Medical Center) as an enterprise project pursuant to a nomination and an application made by the City; and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, the City finds that Tenet Hospitals Limited (Sierra Providence East Medical Center) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited (Sierra Providence East Medical Center) is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Tenet Hospitals Limited (Sierra Providence East Medical Center) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that Tenet Hospitals Limited (Sierra Providence East Medical Center) meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited (Sierra Providence East Medical Center) for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited (Sierra Providence East Medical Center) as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited (Sierra Providence East Medical Center) is a “qualified business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDC to complete the nomination process.

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

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Javier Gadney, Business Services Coordinator

The following members of the public commented:

- 1. Mr. Dale Maddox, CFO Sierra Providence East
- 2. Ms. Lisa Turner
- 3. Ms. Caitlyn Glenn, Ryan and Company

**1ST MOTION**

Motion made by Representative Robinson, seconded by Representative Ortega to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the signup period.

**2ND AND FINAL MOTION**

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

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

.....  
**ADD1.**

\*Motion made, seconded, and unanimously carried to **APPOINT** David Porras to the Charter Review Committee by Representative Michiel Noe, District 5.

.....  
Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 10:59 a.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk