

**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 30, 2011  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor Pro Tempore Ann Morgan Lilly present and presiding and the following Council Members answered roll call: Emma Acosta, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Susannah M. Byrd at 8:35 a.m. during Executive Session deliberations and Carl Robinson at 8:36 a.m. during Executive Session deliberations. Absent: Mayor John F. Cook requested to be excused from the meeting. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. FIESTA DE LAS FLORES WEEK**
- 2. PATRIOT DAY**
- 3. MUSCULAR DYSTROPHY ASSOCIATION DAY**

**RECOGNITION**

**TERRY QUEZADA –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](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. John Conwell
2. Mr. Richard Schecter
3. Mr. David Ochoa
4. Ms. Wally Cech
5. Mr. Manuel Hinojosa
6. Mr. Gary Gonzalez

Representatives Byrd and Niland commented.

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Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.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:

NOT PRESENT FOR THE VOTE: Representatives Byrd and Robinson

- 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 Niland, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:34 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

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**EX1.** Texas Gas Service Company, a Division of ONEOK, Inc. v. Railroad Commission of Texas, Cause No. D-1-GN-11-000889, 201 Judicial Division; and Petition for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas regarding Rate Case Expenses, Gas Utility Docket No. 10016 and Pipeline Expense Rider, Gas Utility Docket No. 10049, both severed from Gas Utility Docket No. 9988 (551.071)

Motion made by Representative Holguin, seconded by Representative Byrd, and passed and approved to authorize the City of El Paso Staff and Outside Counsel to negotiate a reasonable settlement including a reasonable amount of rate case expenses for Texas Gas Service Company, a Division of ONEOK, Inc. v Railroad Commission of Texas, Case No. D-1-GN-11-000889, 201 Judicial Division; and Petition for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas regarding Rate Case Expenses, Gas Utility Docket No. 10016 and Pipeline Expense Rider, Gas Utility No. 10049, both severed from Gas Utility Docket No. 9988.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, and Niland  
NAYS: Representative Holguin  
NOT PRESENT FOR THE VOTE: Representative Ortega

Ms. Krystal Parker, Vice President for Texas Gas Service, commented.

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Motion made by Representative Robinson, seconded by Representative Niland, and unanimously carried to **RECESS** the City Council Meeting at 9:35 a.m. in order to convene the Special City Council Meeting.

NOT PRESENT FOR THE VOTE: Representative Ortega

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The City Council Meeting was **RECONVENED** at 9:54 a.m.  
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**CONSENT AGENDA**

Motion made by Representative Holguin, 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 23, 2011 and the Special City Council Meeting Minutes of August 15, 2011 (El Paso's Policies and Strategies related to Economic Development).  
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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of August 30, 2011.  
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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign Consent to Assignment of the Developer Participation Agreement by and between the City of El Paso and Northeast 58 THB/IT, LLC, dated March 1, 2011, assigning all duties, obligations and responsibilities under the Agreement from Northeast 58 THB/IT, LLC, to Paisano Housing Redevelopment Corporation.  
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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Lease Agreement between the City of El Paso and Bank of the West, for the property located at the site described in Exhibit "A", for an initial term of five (5) years with four automatic renewal terms of an additional five (5) years each in the annual rental amount of ONE THOUSAND THREE HUNDRED SIX DOLLARS AND 08/100 (\$1,306.08).  
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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a City Parks Restrooms Maintenance Contract by and between the City of El Paso and Texas Industries for the Blind and Handicapped, Inc. ("TIBH"), and Border TM Industries, Inc. d/b/a Xceed Resources, to provide for maintenance services at restrooms for the City's Department of General Services.

Representative Niland commented.  
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**3D.**

**\*RESOLUTION**

That the City Manager be authorized to sign a City Parks Litter Control Contract by and between the City of El Paso and Texas Industries for the Blind and Handicapped, Inc. ("TIBH"), and Border TM Industries, Inc. d/b/a Xceed Resources, to provide litter control services for the City's Department of General Services.

Representative Niland commented.

Mr. Stuart Ed, Director of General Services, commented.

Mr. Richard Schecter, citizen, commented.

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**3E.**

**\*RESOLUTION**

That the City Manager be authorized to sign two Interconnection and Parallel Operation of Distributed Generation Agreements between the City of El Paso and the El Paso Electric Company establishing the interconnection with:

- 1. City of El Paso – Animal Shelter, 5001 Fred Wilson, El Paso, Texas 79906; and
- 2. City of El Paso – Downtown (Main) Library, 501 N. Oregon Street, El Paso, Texas 79901.

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**3F.**

**\*RESOLUTION**

That the City Manager be authorized to sign an agreement between the Paso del Norte Health Foundation and the City of El Paso for the City to receive a grant in the amount of \$234,502.40, for 2011 TSK: Focus El Paso for the purpose of reducing repeat births among WIC mothers under the age of 20, with the grant period beginning on October 1, 2011 and ending on September 30, 2012.

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**3G.**

**\*RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Town of Anthony, Texas, for the provision of public health services and related matters, by the City of El Paso, for the period of September 1, 2011 through August 31, 2012; and to extend for a thirty day period the current Interlocal Agreement between the City of El Paso and the Town of Horizon City, Texas, for the provision of public health services and related matters, by the City of El Paso, so that City staff may further negotiate renewal terms with the Town of Horizon City, Texas.

Representatives Ortega and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Michael Hill, Director of Public Health
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ruth Reyes to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3.

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**4B.**

**\*RESOLUTION**

**WHEREAS**, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation; and

**WHEREAS**, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979; and

**WHEREAS**, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

**WHEREAS**, Representative Susie Byrd was previously appointed to the Board of Directors, her term has expired but she is eligible for reappointment.

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

That Representative Susie Byrd is reappointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the term that ends August 9, 2017.

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Gilbert A. Mendez, Jr. to the Districting Commission by Representative Emma Acosta, District 3.

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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Yolanda Giner to the Ad Hoc Charter Advisory Committee by Representative Emma Acosta, District 3.

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**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Luis Gasca to the Districting Commission by Representative Cortney Carlisle Niland, District 8.

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**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** James L. Graham to the Districting Commission by Representative Steve Ortega, District 7.

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**6. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hewlett-Packard Company, a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1364, for a computer server and other related equipment. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resource (DIR) Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology  
Award to: Hewlett-Packard Company  
Palo Alto, CA  
Total Estimated Award: \$227,456.07  
Account No.: 14400500 – 508010 – 27051 – PCP12IT06  
Funding Source: FY 2012 – 2013 Certificates of Obligation, CIP PLAN –  
Data Processing Equipment  
Reference No.: 2011-349

This is a Cooperative, service and unit price contract.

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**7A. INTRODUCTION**

**1<sup>st</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representatives Byrd and Robinson

**2<sup>ND</sup> MOTION**

Motion made by Representative Niland, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 9:34 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative Robinson, and 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, Holguin, and Ortega

NAYS: Representatives Noe and Niland

**7A.** An Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011, FOR ITEM 7A**

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

Representatives Ortega, Niland, Noe, Byrd, and Holguin commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Mr. Daryl Cole, Director for Department of Transportation

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**7B. – 7D. INTRODUCTIONS**

Motion made by Representative Byrd, seconded by Representative Acosta, 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:

**7B.** An Ordinance changing the zoning of a portion of Tract 3, Kilpatrick Subdivision, 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.

- 7C. An Ordinance changing the zoning of all of Lot 19, Block 2, Franklin Village Amending Plat, City of El Paso, El Paso County, Texas from R-3A (Residential) to R-MU (Residential-Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7D. An Ordinance amending Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments), to allow for the issuance of a food handler certificate rather than a food handler card and a food protection management certificate rather than a food protection management card in all applicable sections; the penalty as provided in Section 9.12.890.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 20, 2011, FOR ITEMS 7B – 7D**

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 ITEMS TAKEN TOGETHER

8A.

**ORDINANCE 17634**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO MOVE THE ANIMAL SERVICES FUNCTION FROM THE DEPARTMENT OF PUBLIC HEALTH TO THE ENVIRONMENTAL SERVICES DEPARTMENT BY AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.02 (DEPARTMENT OF PUBLIC HEALTH), SECTION 9.02.010 (CREATION AND PURPOSE OF THE DEPARTMENT OF PUBLIC HEALTH); AND CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.010 (CREATION AND PURPOSE OF THE DEPARTMENT).**

8B.

**ORDINANCE 17635**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.040 (DEFINITIONS) TO CHANGE ALL REFERENCES FROM DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH TO DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND TO DELETE ALL REFERENCES TO DEPUTY DIRECTOR THROUGHOUT TITLE 7 (ANIMALS).**

Ms. Ellen Smyth, Director of Environmental Services, commented.

Motion duly made by Representative Byrd, seconded by Representative Robinson, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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 9.

**ORDINANCE 17636**

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

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Byrd, seconded by Representative Noe, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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ITEMS TAKEN TOGETHER

10.

**ORDINANCE 17637**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 2.64 (CITY EMPLOYEES' PENSION FUND) OF THE EL PASO CITY CODE, BY AMENDING VARIOUS SECTIONS OF THE CHAPTER TO CREATE A SECOND TIER IN THE PENSION FUND THAT WILL PROVIDE DIFFERENT BENEFITS FOR PERSONS WHO BECOME FUND PARTICIPANTS ON AND AFTER SEPTEMBER 1, 2011; TO CLARIFY PROVISIONS CONCERNING PARTICIPATION IN THE SYSTEM AND THE PAYMENT OF BENEFITS; TO REVISE THE PROVISIONS RELATING TO INVESTMENTS TO CONFORM WITH STATE LAW; TO CHANGE THE VESTING PERIODS FOR RETIREMENT, DISABILITY AND DEATH BENEFITS; AND TO INCREASE THE RATE OF PARTICIPANT AND EMPLOYER CONTRIBUTIONS TO THE FUND.**

Motion duly made by Representative Niland, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

11.

**RESOLUTION**

That the attached tables of actuarial equivalence factors, prepared by the actuary firm of Buck Consultants, designated as Tables 1-4 are hereby adopted as factors to be used by the City Employees' Pension Fund in determining early and deferred retirement benefits pursuant to Section 2.64.200C of the City Code.

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

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

Mr. William Studer, Deputy City Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta, Niland, Robinson, Holguin, and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Robert Ash, Pension Administrator
3. Ms. Elaine Hengen, Senior City Attorney gave legal advice.
4. Ms. Richarda Momsen, Municipal Clerk

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Steve Purvis, Buck Consultants
3. Mr. David Ochoa, El Paso Employees Municipal Association

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**12A. PLANNING AND ECONOMIC DEVELOPMENT**

Motion duly made by Representative Ortega, seconded by Representative Acosta, to **DENY** the C-4 (Commercial) and to **POSTPONE** three weeks the public hearing on an Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial), so that to bring it back to Council as GMU (General Mixed Use) with C-2 plus land use. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Representative Ortega commented.

The following City staff members commented:

1. Mr. Mathew McElroy, Deputy Director Planning and Economic Development
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Ray Mancera, representing applicant

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**12B. ORDINANCE 17638**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3A, NELLIE D. MUNDY, SURVEY NO. 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO A-O (APARTMENT-OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Lilly, Ortega, and Byrd commented.

The following members of the public commented:

1. Dr. Damon Murphy, Superintendent of Canutillo Independent School District

2. Mr. Jorge Azcarate, President for CEA Engineering Group, representing applicant

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**12C.**

**ORDINANCE 17639**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON11-00004, TO ALLOW FOR INFILL DEVELOPMENT AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 15 AND THE EAST 1/2 OF LOT 16, BLOCK 223, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Byrd and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Acosta

Whereupon the Mayor Pro Tempore 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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**12D.**

**ORDINANCE 17640**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE III (DETAILED SITE DEVELOPMENT PLAN APPROVAL PROCESS), SECTION 20.04.150 (PROCEDURE) OF THE EL PASO CITY CODE TO ALLOW ADMINISTRATIVE APPROVAL OF CERTAIN DETAILED SITE DEVELOPMENT PLANS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Acosta, Noe, Niland, and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Ray Mancera, representing applicant, commented.

Motion duly made by Representative Niland, seconded by Representative Noe, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**12E. PLANNING AND ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case: PHAP11-00021; 4406 Trowbridge, El Paso, Texas, on July 25, 2011 to deny a certificate of appropriateness application for the referenced property.

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**ITEMS TAKEN TOGETHER**

**12F.**

**ORDINANCE 17641**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 10 THRU 13, BLOCK 2 AND A REMNANT PORTION OF LATTA STREET, BLOCK 1, WOODLAWN SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**13.**

**ORDINANCE 17642**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO WALTER AND EVA PARKER PERMITTING THE ENCROACHMENT OF A 44.0 SQUARE FOOT PORTION OF AN EXISTING STAIRCASE WITHIN PORTIONS OF CITY RIGHT-OF-WAY ON FRUTAS AVENUE ADJACENT TO THE PROPERTY LOCATED AT 3801 FRUTAS AVENUE, NESV11-00029.**

Motion duly made by Representative Acosta, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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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**14A.**

**RESOLUTION**

**WHEREAS**, the City Council adopted a juvenile curfew ordinance in or about 1996; and

**WHEREAS**, Texas Local Government Code Section 370.002 requires home-rule municipalities to review their juvenile curfew ordinances every three years to determine the effects on the community and on problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council conducted its last review of the City's juvenile curfew ordinance in or about August 2008 and voted to continue said ordinance; and

**WHEREAS**, City Council must review the juvenile curfew ordinance in August 2011 in accordance with the Texas Local Government Code; and

**WHEREAS**, the City Council has taken public comment at a public hearing held on August 30, 2011, regarding the continued need for the juvenile curfew ordinance.

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

- (1) That the City Council has reviewed the effects of the City's juvenile curfew ordinance, Sections 10.20.010 through 10.20.054 of the City Code, on the community and its effect on juveniles, crime and crime victims, in accordance with the Texas Local Government Code.
- (2) That the City Council approves the report presented by the El Paso Police Department regarding the effects of the curfew and its impact on juveniles, crime and crime victims.
- (3) That the City Council finds that the juvenile curfew ordinance should continue in its present form.

Police Commander Zina Silva presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Eric Shelton
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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ITEMS TAKEN TOGETHER

**14B.**

**RESOLUTION**

Per Municipal Code, a Public hearing must be held to determine whether Carlos Escobar d/b/a Checker Cab Company is fit, willing and able to provide taxi service in the City of El Paso, and whether the Chief of Police should be authorized to issue an operating permit to Checker Cab Company.

14C.

**RESOLUTION**

Per Municipal Code, a Public hearing must be held to determine whether Carlos Escobar d/b/a Yellow Cab Company is fit, willing and able to provide taxi service in the City of El Paso, and whether the Chief of Police should be authorized to issue an operating permit to Yellow Cab Company.

14D.

**RESOLUTION**

Public Hearing in accordance with Section 6.16.080 of the El Paso Municipal Code to determine whether Manuel Garza d/b/a Sun City Cab Company is fit, willing and able to provide taxi service in the City of El Paso, and whether the Chief of Police should be authorized to issue an operating permit to Sun City Cab Company pursuant to Title 6 of the Municipal Code.

14E.

**RESOLUTION**

Per Municipal Code, a Public hearing must be held to determine whether Joe Olivar and Oliver Olivar d/b/a Border Taxi Cab Company is fit, willing and able to provide taxi service in the City of El Paso, and whether the Chief of Police should be authorized to issue an operating permit to Border Taxi Cab Company.

Police Commander Zina Silva, commented.

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolutions.

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15.

**RESOLUTION**

That the El Paso City Council approves the list of projects totaling approximately \$137,109,353, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan", as the established list of Airport Capital Improvement Program projects for FY 2012 through FY 2016 and the El Paso City Council approves utilizing Revenue Bonds and other funding mechanisms pursuant to the City Debt Management Policy for the BTIP Pavement Rehab/Landscaping Project; and that the City Manager be authorized to establish the funding sources for the projects enumerated in the "El Paso International Airport Proposed Five Year Capital Improvement Plan" and make all necessary budget transfers at the appropriate times for execution of the projects.

Ms. Monica Lombrana, Director of Aviation, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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16. **CITY ATTORNEY**

**1<sup>st</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Niland, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representatives Byrd and Robinson

**2<sup>ND</sup> MOTION**

Motion made by Representative Niland, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 9:34 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Noe and Ortega

**3<sup>RD</sup> AND FINAL MOTION**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution on Application of El Paso Electric Company for discounted rate tariff rider for churches using Rate Schedule 24.

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**17. MAYOR AND COUNCIL**

Presentation and discussion on Community Scholars' findings and recommendations: *"Government Contract Competition: Can El Paso Afford to Go Local?"*

Representative Byrd commented.

The following Community Scholars' members commented:

- 1. Ms. Viridiana Sanchez
- 2. Mr. Abraham Galindo
- 3. Ms. Aidan Martinez
- 4. Ms. Amanda Macias

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

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**18.**

**RESOLUTION**

That City Council adopt policies and procedures for the 38th Year (2012-2013) Community Development Block Grant (CDBG) Program, the 2012-2013 Emergency Solutions Grant (ESG) Program and the 2012-2013 Housing Opportunities for Person with AIDS (HOPWA) Program, all such policies and procedures attached hereto as A through N; that City Council establish September 15, 2011 as the deadline for the submission of Letters of Intent from CDBG Public Service, ESG, HOPWA and Neighborhood Revitalization Strategy Area (NRSA) Partnership agencies; that City Council establish October 27, 2011 as the deadline for submission of all City Representative requests and citizen request forms; that City Council establish October 31, 2011 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; that City Council establish December 15, 2011 as the deadline for the submission of all 2012-2013 City Department, Economic Development, Fair Housing, Volunteer Housing Rehabilitation and Public Facility application packets; and that City Council establish January 9, 2012 as the deadline for submission of all NRSA Partnership application packets.

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

Representatives Lilly and Ortega commented.

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

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**19A. PLANNING AND ECONOMIC DEVELOPMENT**

Presentation on 2010 U.S. Census Data for the City of El Paso, the Initial Assessment of the Representative Districts, and the 2011 Redistricting Process.

Ms. Marie Taylor, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta, Ortega, and Niland commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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**19B.**

**RESOLUTION**

**WHEREAS**, under Public Law 94-171, after the completion of the 2010 U.S. Census, realignment of representative district boundaries of the City of El Paso is required when the difference in population between the largest and smallest district exceeds ten percent; and

**WHEREAS**, upon review of the 2010 census data for the City of El Paso it appears that a population imbalance exists requiring adjustment of the representative district boundaries; and

**WHEREAS**, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

**WHEREAS**, pursuant to Article II, Section 2.4(B) of the City Charter the City Council has established the Districting Commission (the "Commission"), which will make recommendations to the Council concerning adjustments of the boundaries of representative districts as necessary to insure substantial equality of the populations of the districts; and

**WHEREAS**, a set of established redistricting criteria will serve as a framework to guide the Council and its Commission in consideration of districting plans; and

**WHEREAS**, redistricting criteria will also assist the City and its Commission in efforts to comply with all applicable federal and state laws and to obtain preclearance of redrawn representative district boundaries from the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act.

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

That the City, as part of its instruction to the Commission and in its adoption of a redistricting plan, will observe the following redistricting criteria in the adjustment of representative district boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts.

4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they are relatively equal to total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest district exceed ten percent. The City will attempt to achieve a deviation that is less than ten percent under the data released by the Census Bureau.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
9. The plan should not fragment a geographically compact minority community or pack minority voters so as to comply with Section 2 of the Voting Rights Act, 42. U.S.C. Section 1973, and not prejudice minority voters.

Representative Acosta commented.

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

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**19C. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPOINT** the individuals listed below to the Districting Commission for those positions that are vacant.

District 1	John Karlsruher
District 2	Francisco "Paco" Dominguez
District 3	Gilbert Mendez, Jr.
District 4	David Thackston
District 5	Oscar Silva
District 6	Rodolfo Troncoso
District 7	James L. Graham
District 8	Luis Gasca
Mayor	Gene Fiske

Representative Holguin commented.

Richarda Momsen, Municipal Clerk, commented.

Names of appointments read into the record by Richarda Momsen, Municipal Clerk and Representative Holguin.

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**20. CITY MANAGER**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** the El Paso County 911 District FY 2012 Budget.

Ms. Mary Kozak, 911 El Paso County Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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**ADDITION TO THE AGENDA**

**1. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** David Thackston to the Districting Commission by Representative Carl Robinson, District 4.

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:23 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk