

**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**  
September 18, 2012  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 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, Michiel R. Noe, and Cortney Carlisle Niland. Late arrivals: Carl Robinson at 8:40 a.m. and Eddie Holguin, Jr. at 8:40 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **Surgical Technologist Week in El Paso**
2. **Shakespeare on the Rocks Day**
3. **Hispanic Heritage Celebration Month**
4. **El Paso Motorcycle Coalition and  
El Paso Motorcycle Community Day**
5. **El Paso on the Move Day**
6. **Texting & Driving – It Can Wait 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 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Mariana Chew
3. Mr. Jack Bradford
4. Mr. Alexandro Lozano
5. Ms. Lisa Turner
6. Mr. Manny Hinojoso
7. Mr. Steve Strumer

- 8. Mr. David Ochoa
- 9. Mr. Salvador Gomez

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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, and Niland  
 NAYS: None  
 ABSENT: Representative Ortega

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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 September 11, 2012, and the Special City Council Meeting of August 30, 2012.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Steve Ortega from the Regular Council Meeting of September 18, 2012.

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**3A.**

**\*RESOLUTION**

**WHEREAS**, on May 6, 2008 the El Paso City Council approved a Development Agreement by and between the CITY OF EL PASO, the EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD and HACIENDA DEL RIO PARTNERS, LP and Dos Arbolitos Investment, LLC, to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West Extraterritorial Jurisdiction; and,

**WHEREAS**, on March 9, 2009 the El Paso City Council approved a First Amendment to the Development Agreement to increase the number of residential lots from 118 to 188 and to provide additional consideration; and,

**WHEREAS**, the applicant has requested that the City amend the development agreement and Exhibit B, Development Plan of the Development Agreement, to increase the residential lots from 188 to 228, an increase of 40 dwelling units in exchange for increasing the size of the park. The density will not exceed 2.5 dwelling units per acre as required by the development agreement.

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

That the City Manager be authorized to sign a 2nd amendment to the May 6, 2008, Development Agreement by and between the City of El Paso, the El Paso Water Utilities-Public Service Board and Hacienda del Rio Partners, LP and Dos Arbolitos Investment, LLC, to amend Exhibit B, Development Plan, to increase the residential lots from 188 to 228 and to increase the park size. The density will not exceed 2.5 dwelling units per acre as required by the development agreement.

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3B.

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

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

**WHEREAS**, The Museums and Cultural Affairs Department for the City of El Paso (hereinafter referred to as "Grantee") is sponsoring Chalk the Block from Friday, October 12, 2012 through Sunday, October 14, 2012 (hereinafter referred to as "Event"); and

**WHEREAS**, Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

**WHEREAS**, Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Franklin Avenue between Santa Fe Street and Oregon Street, Oregon Street from Franklin Avenue and Texas Avenue, Main Drive between Mesa Street and Oregon Street, Mills Avenue between Mesa Street and Oregon Street, Mills Avenue between Mesa Street and El Paso Street, Sheldon Court between El Paso Street and Santa Fe Street, Main Drive between Santa Fe Street and El Paso Street from 6:00 am Friday, October 12, 2012 to 6:00 am Sunday, October 14, 2012, in conjunction with the proposed Event; and

**WHEREAS**, Grantee has authorized Osaple, Inc. (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

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

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

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

That the sale and service of alcoholic beverages by Osaple, Inc, in the closed portions of City rights-of-way on Franklin Avenue between Santa Fe Street and Oregon Street, Oregon Street from Franklin Avenue and Texas Avenue, Main Drive between Mesa Street and Oregon Street, Mills Avenue between Mesa Street and Oregon Street, Mills Avenue between Mesa Street and El Paso Street, Sheldon Court between El Paso Street and Santa Fe Street , Main Drive between Santa Fe Street and El Paso Street from 6:00 pm Friday, October 12, 2012 to 12:00 am Saturday, October 13, 2012, in conjunction with Chalk the Block, is a permissible activity.

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3C.

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

**1ST MOTION**

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

**2nd MOTION**

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

That the City Manager be authorized to sign an Executive Management Shared Services Interlocal Agreement between the City of El Paso and The County of El Paso regarding the loan of services of City managerial employees to the County.

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

Ms. Joyce Wilson, City Manager, commented.

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

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Lilly, Byrd, and Niland

NAYS: Representatives Acosta, Robinson, Noe, and Holguin

ABSENT: Representative Ortega

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**4. DISCRETIONARY FUNDS**

\*Motion made, seconded, and unanimously carried to **APPROVE** that the City Council declares the expenditure of discretionary funds to support District 2 Great Streets Safe Streets Tree Planting Project serves a municipal purpose and is authorized.

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**5. FOR NOTATION**

\*Motion made, seconded, and unanimously carried to **ACCEPT** the donation of \$1,500 from Evolve Federal Credit Union for Movies at the Vista Del Valle Park.

Representative Acosta commented.

Mr. Ken Walters, CEO, Evolve Federal Credit Union, commented.

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**6A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard Mojica to the Construction Board of Appeals by Representative Steve Ortega, District 7.

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**6B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Hector Homero Galicia to the Empowerment Advisory Board by Representative Ann Morgan Lilly, District 1.

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**7. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Danny Padilla to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Cortney Niland, District 8.

**ITEMS 8A – 8C TAKEN TOGETHER**  
**8 INTRODUCTIONS**

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

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

**8A.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.18 (Outdoor Lighting Code) Sections 18.18.060 (Definitions), 18.18.240 (Laser Source Lighting), 18.18.250 (Searchlights) and 18.18.280 (Temporary Exemption Requirements) of the El Paso City Code, to increase the time for a temporary exemption permit for Laser Source Lights and Searchlights from three days to not more than thirty days, the penalty being as provided in Section 18.18.400 (Violations) of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 2, 2012, FOR ITEMS 8A**

**8B.** An Ordinance changing the zoning of Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Bob Hope Drive at Saint Romeo Avenue. Property Owner: Elizabeth G. Flores. PZRZ11-00047

**8C.** An Ordinance releasing all conditions placed on property by Ordinance No. 8786 and special contract of September 23, 1986, which changed the zoning of westerly 15' of Lot 9, all of Lots 10-12 and the easterly 20' of Lot 13, Block 7, Golden Hill Addition, City of El Paso, El Paso County, Texas, and to impose an additional condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Richard Sennessie – Lamina Investments, LLC. Subject Property: 1515 Golden Hill Terrace. PZCR12-00006

**PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2012, FOR ITEMS 8B – 8C**

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**9A. AND 9B. TAKEN TOGETHER**

**ORDINANCE 17867**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00006, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA, REDUCED LOT WIDTH, CUMULATIVE SETBACK, AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 10, AND THE NORTH HALF OF LOT 9, BLOCK 11, MUNDY HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: MARIA L. YEE & ROBERT CONCHA. SUBJECT PROPERTY: 1316 MISSOURI. PZST12-00006**

Motion duly made by Representative Niland, 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:

9B.

**ORDINANCE 17868**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 10, AND THE NORTH HALF OF LOT 9, BLOCK 11, MUNDY HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-2/H (COMMERCIAL/HISTORIC) TO R-4/H (RESIDENTIAL/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: MARIA L. YEE & ROBERT CONCHA. SUBJECT PROPERTY: 1316 MISSOURI. PZRZ12-00015**

Motion duly made by Representative Niland, 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, Acosta, Robinson, Noe, Holguin, and Niland
- NAYS: None
- ABSENT: Representative Ortega
- NOT PRESENT FOR THE VOTE: 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**.

Mr. Carlos Gallinar, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).  
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9C.

**ORDINANCE 17869**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.14 (OFF-STREET PARKING, LOADING, AND STORAGE STANDARDS), SECTION 20.14.020 (SCOPE), AND APPENDIX C (PARKING REGULATIONS) OF THE EL PASO CITY CODE TO AMEND THE TITLE OF APPENDIX C, TO AMEND THE APPLICABILITY PROVISIONS; TO AMEND TRANSITIONAL HOUSING PARKING REQUIREMENTS AND AMEND SINGLE-FAMILY DETACHED DWELLING PARKING REQUIREMENTS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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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**9D.**

**ORDINANCE 17870**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENTS-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: GABTER, LP. SUBJECT PROPERTY: EAST OF GEORGE DIETER DRIVE AND WEST OF ZARAGOZA ROAD. PZRZ12-00017**

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

Representatives Holguin and Niland 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, and Niland

NAYS: None

ABSENT: Representative Ortega

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

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**9E.**

**ORDINANCE 17871**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 7871 AND ORDINANCE NO. 9264 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 5, MESA HILLS PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND TO IMPOSE AN ADDITIONAL CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5420 HURD. PROPERTY OWNER: AVICO FAMILY, L.P. PZCR12-00007**

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

Representative Niland commented.

Motion duly made by Representative Niland, 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, and Niland

NAYS: None

ABSENT: Representative Ortega

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

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**9F.**

**ORDINANCE 17872**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO RELEASE CONDITION NO. 1 IN ITS ENTIRETY AND TO AMEND A CURRENT CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 8343 AND SPECIAL CONTRACT OF APRIL 30, 1985, WHICH CHANGED THE ZONING OF LOT 254, BLOCK 17, CORONADO HILLS, SECTION NO. 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND TO IMPOSE AN ADDITIONAL CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5940 CADIZ STREET. PROPERTY OWNER: ANTHONY RALLIS. PZCR12-00005**

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

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

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

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

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**9G.**

**ORDINANCE 17873**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00009, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE YARD SETBACKS, REDUCED REAR YARD SETBACKS AND A PARKING REDUCTION; AND TO ALLOW A PROFESSIONAL OFFICE IN AN A-2 (APARTMENT) ZONING DISTRICT, ON THE PROPERTY DESCRIBED AS LOT 15 AND 16, BLOCK 278, PIERCE FINLEY ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1028 RIO GRANDE AVENUE. PROPERTY OWNERS: ORLANDO & DORA MONDRAGON. PZST12-00009**

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

Representatives Robinson and Niland commented.

Motion duly made by Representative Niland, 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, and Niland
- NAYS: None
- ABSENT: Representative Ortega

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

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**9H.**

**ORDINANCE 17874**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00007, TO ALLOW FOR A CEMETERY AND MAUSOLEUM AND APPROVING A DETAILED SITE DEVELOPMENT PLAN ON THE PROPERTY DESCRIBED AS TRACTS 24-A-1, 25-A, 25-C AND A PORTION OF TRACTS 24-A AND 29-A, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8700 DYER STREET. PROPERTY OWNER: SCI TEXAS FUNERAL SERVICES, INC., D/B/A RESTLAWN MEMORIAL PARK. PZST12-00007**

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

Representative Byrd commented.

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

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

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

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**9I. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance Amending Title 13 (Streets, Sidewalks and Public Places) Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.070 (Installation of Sidewalk on Property on which Building Permit Issued) of the El Paso City Code to amend the requirements for installation of sidewalks. The penalty being as provided in Section 13.08.140 of the El Paso City Code.

9J.

**ORDINANCE 17875**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00013, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS ALL OF LOTS 21 AND 20 EXCEPT THE WESTERLY 3 FEET OF 20, BLOCK 73D, LOGAN HEIGHTS ADDITION FIRST REVISED PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 3604 KELTNER AVENUE. PROPERTY OWNER: STONE NEST LLC. PZST11-00013**

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, Holguin, and Niland  
NAYS: None  
ABSENT: Representative Ortega  
NOT PRESENT FOR THE VOTE: Representative Noe

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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**9K. CITY DEVELOPMENT**

Motion made by Representative Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE** a request that City Council waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 5701 - 5720 Azzulina Court, legally described as Lot 1 - 13, Block 1, San Angelino Estates, City of El Paso, El Paso County, Texas

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

Representative Acosta commented.

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

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10.

**ORDINANCE 17876**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED TO CONVEY 0.69 ACRES OF CITY LAND UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, AND CONSISTING OF A PORTION OF TENNIS WEST ESTATES, BLOCK 2, LOT 35 AND UPPER VALLEY SURVEYS, BLOCK 8, TRACT 4B2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, NEAR WESTSIDE ROAD AND LEE SHANNON STREET TO LAMAR SKARDA AND SPOUSE CONNIE SKARDA, THE SOLE RESPONSIVE BIDDERS, AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL**

**NECESSARY DOCUMENTS TO COMPLETE THE CONVEYANCE AND PROVIDING AN EFFECTIVE DATE.**

Mayor Cook and Representative Lilly commented.

Mr. Jim Shelton, Director, El Paso Water Utilities Board, commented.

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

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

NAYS: None

ABSENT: Representative Ortega

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

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**11.**

**ORDINANCE 17877**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE EL PASO MUNICIPAL CODE, CHAPTER 3.04 (PROPERTY TAXES) BY AMENDING SECTION 3.04.040 (EXEMPTION – RESIDENCE HOMESTEAD) TO INCREASE THE AD VALOREM PROPERTY TAX EXEMPTION FOR INDIVIDUALS WHO QUALIFY UNDER THE CURRENT CODE.**

**1<sup>ST</sup> MOTION**

Motion duly made by Representative Holguin, seconded by Representative Acosta, that the Ordinance **AMEND** effective date to 2014. 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 Acosta and Holguin

NAYS: Representative Lilly, Byrd, Robinson, Noe, and Niland

ABSENT: Representative Ortega

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

Motion duly made by Representative Byrd, 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:

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

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

Ms. Joyce Wilson, City Manager, commented.

Mr. William Studer, Deputy City Manager, commented.

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

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Jerry Thiedt
- 3. Mr. Richard Schecter

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

NAYS: Representative Robinson

ABSENT: Representative Ortega

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

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**12.1 THROUGH 12.4 TAKEN TOGETHER**

**12.1**

**ORDINANCE 17878**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLE AND TRAFFIC), CHAPTER 12.21 (PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM), OF THE EL PASO CITY CODE BY AMENDING SECTIONS 12.21.010 (DEFINITIONS) AND 12.21.070 (EFFECT OF LIABILITY; EXCLUSION OF CIVIL REMEDY; ENFORCEMENT), TO PROVIDE THAT AN UNPAID CIVIL PENALTY MAY BE ENFORCED BY REFUSING TO ALLOW THE REGISTRATION OF THE VEHICLE; THE PENALTY IS AS PROVIDED IN SECTION 12.21.020 OF THE CITY CODE.**

Mayor Cook and Representatives Acosta and Holguin commented.

Ms. Lisa Turner, citizen, commented.

Mr. Jerry Thiedt, 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, Robinson, Noe, and Niland

NAYS: Representative Holguin

ABSENT: Representative Ortega

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

## 12.2

### RESOLUTION

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

That the Mayor be authorized to sign a Second Amendment to the Interlocal Agreement between the City of El Paso ("The City"), the County of El Paso ("COUNTY"), and the El Paso County Tax Assessor-Collector (COUNTY TAX ASSESSOR-COLLECTOR) in which the COUNTY TAX ASSESSOR-COLLECTOR will refuse to register or reregister vehicles that have outstanding and/or unpaid civil penalties related to and/or associated with the automatic photo red light violations that match the current owner of record for the automotive vehicle and the vehicle flagged. In lieu of this new task, the CITY shall pay to the COUNTY fifteen percent (15%) of the collected city fine for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding red light camera violation.

Furthermore, the CITY shall pay to the COUNTY twenty dollars (\$20) or 15% of the fee collected, whichever is greater, collected from motor vehicle owners, for each refusal to register or reregister a motor vehicle which results in full payment of the corresponding warrants as authorized in Tex. Transp. Code § 702.003(e-1). Once collected by the CITY, this fee is passed through to the COUNTY in consideration for its work on identifying outstanding warrants and referring those individuals back to the CITY for payment.

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

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

NAYS: Representative Holguin

ABSENT: Representative Ortega

## 12.3.

### ORDINANCE 17879

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) AND CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT) TO CREATE SECTION 12.08.191 (REFUSAL TO REGISTER MOTOR VEHICLES DUE TO OUTSTANDING WARRANTS FEE) OF THE EL PASO CITY CODE, TO PROVIDE THAT DUE TO THE COUNTY TAX ASSESSOR COLLECTOR'S ABILITY TO REFUSE MOTOR VEHICLE REGISTRATION DUE TO OUTSTANDING WARRANTS FOR FAILURE TO APPEAR OR FAILURE TO PAY A FINE ON A COMPLAINT THAT INVOLVES THE VIOLATION OF A TRAFFIC LAW, THE CITY OF EL PASO IS ESTABLISHING A FEE TO BE PAID BY THE OWNER OF THAT MOTOR VEHICLE THAT WILL BE FORWARDED TO THE COUNTY TAX ASSESSOR COLLECTOR FOR THEIR ADMINISTRATIVE COSTS.**

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:

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

12.4.

**RESOLUTION**

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

That the Mayor be authorized to sign the Interlocal Agreement between the Texas Department of Motor Vehicles (“TxDMV”) and the City of El Paso (“the City”) in which TxDMV will provide motor vehicle records inquiry and transaction services based on data submissions received by the City or its designee. The data submissions consist of requests for initial inquiries of motor vehicle records with red light violations, requests to place flags on motor vehicle records with such violations, and requests to clear flags placed on motor vehicle records after a red light violation has been paid. Upon receiving the requests from the City or designee the TxDMV will either inform the City or designee of matching license plates, place flags on vehicle records of matching plates, or clear vehicle records requested to be cleared by the City or its designee after payment of red light violations. TxDMV will be compensated in accordance with 43 TAC Chapter 217 at twenty three (\$23.00) per computer run plus twelve cents (\$0.12) per record searched.

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

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13.

**RESOLUTION**

**WHEREAS**, the City of El Paso and Genagra, LP, hereinafter referred to as “Property Owner” wish to annex approximately 21.3709 acres of real property described in Exhibit “A” and Exhibit “B” which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 1.519 acres of such real property; and,

**WHEREAS** the Property Owner is the owner of approximately 20.552 acres out of the 21.3709 acre tract with the remainder being a county road; and,

**WHEREAS**, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

**WHEREAS**, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

**WHEREAS**, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit “C”, due to the advantages and benefits resulting from the annexation of the Property; and,

**WHEREAS**, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and Genagra for 20.552 acres of real property, located west of Zaragoza Road and south of Pebble Hills Blvd., which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

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

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

NAYS: None

ABSENT: Representative Ortega

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**14A. AND 14B. TAKEN TOGETHER**

**14A MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DELETE** the item for discussion and action to terminate the contract between Tom Drugan and the City of El Paso.

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

NAYS: None

ABSENT: Representative Ortega

**14B. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DELETE** the item for discussion and action to revise the Public Art guidelines to include public art on Rapid Transit corridors.

Mr. Sean McGlynn, Director, Museums and Cultural Affairs Department, commented.

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

NAYS: None

ABSENT: Representative Ortega

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**15. CITY MANAGER**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING A RESOLUTION APPROVED BY CITY COUNCIL ON JUNE 26, 2012 STYLED UNDER – REGULAR AGENDA – OTHER BUSINESS 12. CITY MANAGER: 3. DISCUSSION AND ACTION ON A RESOLUTION THAT THE CITY MANAGER BE AUTHORIZED TO SIGN THE TERM SHEET AS AGREED UPON BY THE CITY OF EL PASO AND MOUNTAIN STAR SPORTS GROUP, LLC, IN ORDER TO SIGNAL THE CREATION OF THE PUBLIC/PRIVATE PARTNERSHIP AND THE INTENT OF THE CITY COUNCIL TO CONSTRUCT A PUBLIC SPORTS FACILITY (“BALLPARK”) IN THE EVENT THE INVESTORS ARE ABLE TO PURCHASE A TRIPLE-A MINOR LEAGUE BASEBALL FRANCHISE AND RELOCATE IT TO EL PASO; THAT THE CITY COUNCIL INTENDS TO LOCATE THE BALLPARK ON THE SITE CURRENTLY OCCUPIED BY CITY HALL, INSIGHTS MUSEUM, THE COMMUNITY GARDEN AND THE SUPPORTING**

**PARKING AREA FRONTING ON FRANKLIN STREET AND AUTHORIZES THE CITY MANAGER TO TAKE MEASURES TO COMPLETE THE PLANNING FOR THE REDEVELOPMENT OF SUCH SITE AND TO TAKE STEPS TO MAKE THE SITE AVAILABLE FOR THE CONSTRUCTION, INCLUDING TERMINATION OF LEASEHOLD INTERESTS, AND TO MOVE FORWARD TO FORMULATE LONG TERM AND SHORT TERM EXECUTION PLANS FOR THE RELOCATION OF CITY OPERATIONS FROM THE CITY HALL SITE TO OTHER LOCATIONS IN THE DOWNTOWN AREA FOR THE CONSTRUCTION OF THE BALLPARK; THAT THE CITY MANAGER BE AUTHORIZED TO PROCEED WITH PROPOSED FINANCING PLAN TO INCLUDE THE POSSIBLE USE OF (I) A VENUE HOTEL OCCUPANCY TAX IF APPROVED BY THE VOTERS AT A DULY-CALLED ELECTION; (II) LEASE REVENUE BONDS ISSUED BY A LOCAL GOVERNMENT CORPORATION FORMED BY THE CITY; AND/OR (III) OTHER DEBT OBLIGATIONS ISSUED BY OR ON BEHALF OF THE CITY FOR THE CONSTRUCTION AND DEVELOPMENT OF THE BALLPARK; AND THAT THE CITY MANAGER OR HER DESIGNEE BE AUTHORIZED TO NEGOTIATE A CONTRACT CONTAINING THE TERMS AND CONDITIONS SET FORTH IN THE TERM SHEET FOR THE CONSTRUCTION AND FUTURE OPERATIONS AND MAINTENANCE OF THE BALLPARK AND TO PRESENT IT TO CITY COUNCIL FOR CONSIDERATION UPON COMPLETION OF THE NEGOTIATIONS.**

**1<sup>ST</sup> MOTION**

Motion duly made by Representative Niland, seconded by Mayor Pro Tempore Lilly, to **MOVE** item fifteen behind item sixteen.

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

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

Motion duly made by Representative Holguin, seconded by Representative Robinson, that the Ordinance be **ADOPTED**.

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

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

Motion duly made by Representative Acosta, seconded by Representative Holguin, that the resolution is **AMMENDED** to provide that the City Manager may only implement a financing plan that includes the use of a venue project and hotel occupancy tax proposition approved by the voters at a duly called election. If the voters do not approve the venue project and hotel occupancy tax proposition on November 6<sup>th</sup>, 2012, all authority of the City Manager to proceed to implement the construction of the ballpark, the relocation of City Hall and the financing plan is revoked.

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

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

Ms. Joyce Wilson, City Manager, commented.

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

Mr. Paul Braden, Fulbright and Jaworski, commented.

Ms. Carmen Arrieta-Candelaria, Director, Financial Services, commented.

The following members of the Public commented.

1. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
2. Mr. Raymond Lee Abeyta
3. Ms. Stephanie Townsend Allala
4. Mr. Raul Amaya
5. Mr. Jesus Bautista
6. Mr. Edward Reyes
7. Mr. Mitch McBeth, El Paso Ortho Group
8. Ms. Terri Reed, El Paso Hispanic Chamber of Commerce
9. Mr. Charlie Hooten
10. Ms. Nicole Ferrini
11. Mr. Marc Salazar
12. Mr. Robert Maddox
13. Mr. James Perry
14. Mr. David Ochoa
15. Mr. Bill Addington
16. Mr. Bob Cook
17. Ms. Veronica Soto
18. Mr. Steve Kapowski
19. Mr. Teodoro espinoza
20. Mr. Al Loya
21. Mr. Ben Marcys
22. Mr. Jesus Ochoa
23. Mr. Manny Hinojosa
24. Ms. Athena Matyear
25. Mr. Larzia Mundi
26. Mr. Bill Palmer
27. Mr. Al Soto
28. Ms. Marie L. Campbell
29. Dr. Anna L. Perez
30. Mr. Othon Medina
31. Mr. Ron McGinnis
32. Ms. Patricia Martinez
33. Ms. Jody Feinberg
34. Mr. Mike Guerra
35. Mr. Luis Talavera
36. Ms. Angelica Talavera
37. Ms. Denise Rider
38. Mr. Jerry Thiedt
39. Ms. Marina Cohen Lee
40. Mr. Joey Torres
41. Mr. Robert Levy
42. Mr. James Crandall
43. Mr. Roland Correa
44. Ms. Jennifer Wright

- 45. Mr. Paul Gilcrease
- 46. Mr. T. J. Karam
- 47. Ms. Rose Lucero
- 48. Ms. Elizabeth Leal
- 49. Mr. Stan Roberts
- 50. Mr. Salvador Gomez
- 51. Mr. Steve Strumer
- 52. Mr. Mark Mena
- 53. Ms. Nancy Licon
- 54. Mr. Kepper Gray
- 55. Mr. Jimmy Roman
- 56. Mr. Mark Benitez
- 57. Ms. Lisa Turner
- 58. Mr. Adrian Duran
- 59. Ms. Sofia Cereceres
- 60. Mr. Richard Schecter
- 61. Mr. Javier Flores
- 62. Mr. Steffen Poessiger
- 63. Mr. Joey Jimenez
- 64. Mr. Mike Wend
- 65. Ms. Melissa Newfang
- 66. Ms. Arin Dechene
- 67. Mr. Tony Rodriguez
- 68. Mr. Javier Benosa
- 69. Mr. Rick Harrow
- 70. Ms. Oscar Char
- 71. Ms. Paige Stewart
- 72. Mr. Ray McGinnis
- 73. Mr. Tony Rodriguez
- 74. Ms. Alma Altamuraro

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**16A. THROUGH 16C. TAKEN TOGETHER**

**16A.**

**ORDINANCE 17880**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE BY AND BETWEEN THE CITY OF EL PASO AS LESSOR AND MOUNTAIN STAR SPORTS GROUP, LLC – EL PASO BASEBALL CLUB SERIES AND MOUNTAIN STAR SPORTS GROUP, LLC AS TENANT COVERING LOTS 1 THROUGH 10 AND LOTS 11 THROUGH 40, AND A PORTION OF THE T-ALLEY, BLOCK B, STEVENS ADDITION AND A PORTION OF BLOCK 28 AND 48, MILLS MAP ADDITION AND A PORTION OF FRANKLIN STREET, EL PASO, EL PASO COUNTY, TEXAS CONTAINING 4.8274 ACRES OF LAND MORE OR LESS; A PORTION OF LOTS 30 THROUGH 42, BLOCK C, STEVENS ADDITION, EL PASO, EL PASO COUNTY, TEXAS CONTAINING 0.9521 ACRES OF LAND MORE OR LESS; AND A PORTION OF THE UNION PACIFIC COMPANY RIGHT OF WAY OUT OF BLOCKS 28 AND 48, MILLS MAP ADDITION, EL PASO, EL PASO COUNTY, TEXAS CONTAINING 0.1994 ACRES OF LAND MORE OR LESS (“CITY HALL SITE”).**

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

Ms. Carmen Arrieta-Candelaria, Director, Financial Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. R. Alan Shubert, City Engineering, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Josh Hunt, Mountain Star Sports Group, commented.

Mr. Paul Foster, Mountain Star Sports Group, commented.

Mayor Cook and Representative Holguin commented.

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

Mr. Paul Brandon, Fulbright and Jaworski, 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, Noe, and Niland

NAYS: Representatives Acosta, Robinson, and Holguin

ABSENT: Representative Ortega

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

**16B.**

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

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

That the City Manager be authorized to sign a Ballpark Development Agreement, in substantially the form attached hereto, by and between the CITY OF EL PASO ("City") and MOUNTAIN STAR SPORTS GROUP, LLC – EL PASO BASEBALL CLUB SERIES ("Club") for the purpose of establishing the process and schedule for the design, development, construction and delivery of a minor league ballpark and related facilities within the El Paso downtown area and specifying the use of a construction manager at risk for the project.

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

AYES: Representatives Lilly, Byrd, Noe, and Niland

NAYS: Representatives Acosta, Robinson, and Holguin

ABSENT: Representative Ortega

16C.

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

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

That the City Manager be authorized to sign a Non-Relocation Agreement, in substantially the form attached hereto, by and between the CITY OF EL PASO ("City") and MOUNTAIN STAR SPORTS GROUP, LLC – EL PASO BASEBALL CLUB SERIES ("Club") and MOUNTAIN STAR SPORTS GROUP, LLC ("Company") containing the Club's covenant to continuously maintain and operate the ballpark in downtown El Paso as the home field for its triple A minor league baseball team for the term of the Lease Agreement between the parties; setting forth remedies for the City in the event of breach, including but not limited to, equitable remedies such as declaratory or injunctive relief and specific performance, monetary damages and right to purchase the team.

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

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

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16D.

**ORDINANCE 17881**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017850 FOR THE PURPOSE OF CLARIFYING THE BALLOT LANGUAGE REGARDING THE VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION AND RESOLVING OTHER MATTERS RELATED THERETO.**

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, Noe, and Niland  
NAYS: Representatives Acosta, Robinson, and Holguin  
ABSENT: Representative Ortega

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

Ms. Sylvia Firth, City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office).

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16E.

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

**WHEREAS,** Luther Acquisition LP, the owner of the property municipally known and numbered as 218 N. Campbell, El Paso, El Paso County, Texas and the improvements thereon, has offered to donate the property to the City of El Paso; and

**WHEREAS,** the City Manager has recommended that the City of El Paso accept the donation.

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

That the City Manager be authorized to accept the donation of the property legally described as Lots 11-14, Block 230 Campbell Addition, El Paso County Texas, municipally known and numbered as 218 N. Campbell, El Paso, El Paso County, Texas from Luther Acquisition LP; and the City Manager be authorized to sign all documents, approved by the City Attorney, and take all actions necessary to consummate the transfer of the property to the City of El Paso; and the City Manager is directed to initiate the process to add this project to the City's Capital Improvement Program.

Ms. Joyce Wilson, City Manager, commented.

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

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

NAYS: Representatives Robinson, Holguin

ABSENT: Representative Ortega

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**16F. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution authorizing the City Manager to execute, on behalf of the City of El Paso, a Contract of Sale with Harl E. Dixon for the purchase of 227 Campbell 1 to 5 and 227 Campbell 6 to 8, addition to the City of El Paso, El Paso County Texas, municipally known as 801 and 811 Texas respectively. This property is intended to house the City Development Department plus additional customer service operations.

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**16G.**

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

**WHEREAS**, the El Paso City Council approved its revised Debt Management Policy on February 14, 2012 and amended on June 26, 2012 which sets forth the parameters for issuing new debt for the City of El Paso; and

**WHEREAS**, the Debt Management Policy establishes the type of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Certificates of Obligation are an appropriate debt instrument for infrastructure related capital projects (and non-quality of Life projects); and

**WHEREAS**, the El Paso City Council has directed that issuances for proposed capital projects and utilizing Certificates of Obligation be brought forward annually starting in 2010 and thereafter; and

**WHEREAS**, on June 26, 2012, the City Council considered and approved a financing plan and term sheet to construct a public sports facility in an estimated amount not to exceed \$50 million and authorized the City Manager to proceed with the proposed financing; and

**WHEREAS**, on August 7, 2012, the City Council considered options for relocating City Hall and approved the negotiation of contracts for two properties and related parking facilities and directed staff to establish the projects in the City's capital improvement program; and

**WHEREAS**, on August 21, 2012, the City Council approved the City of El Paso FY2013 Budget Resolution which included certain unassigned general fund balances; and

**WHEREAS**, City Staff recommends the Council approve the City of El Paso 2013 City Hall Relocation and Baseball Stadium Capital Improvement Program to establish the relocation projects and public sports facility totaling \$81,238,924 as set forth in the attached Exhibit "A" and authorize the use of a combination of Certificates of Obligation, revenue bonds, or other sources for the Capital Program pursuant to the City's Debt Management Policy and applicable state laws; and

**WHEREAS**, City staff further recommends that the City Manger be authorized to allocate funds out of the unassigned general fund balance in the approved City of El Paso FY2013 Budget in an amount not to exceed \$3,920,276 for Information Technology projects, record and archiving projects, and moving costs related to the relocation of City Hall, as set forth in the attached Exhibit "B".

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

- A) The City of El Paso 2013 City Hall Relocation and Baseball Capital Improvement Program to establish the relocation projects and public sports facility totaling \$81,238,924 as set forth in the attached Exhibit "A" is hereby approved;
- B) The use of a combination of Certificates of Obligation, revenue bonds, or other sources for the Capital Program pursuant to the City's Debt Management Policy and applicable state laws is authorized;
- C) The City Manger is authorized to allocate funds out of the unassigned general fund balance in the approved City of El Paso FY2013 Budget in an amount not to exceed \$3,920,276 for Information Technology projects, record and archiving projects, and moving costs related to the relocation of City Hall, as set forth in the attached Exhibit "B"; and
- D) The City Manager is directed to take such actions and execute any and all documents for the execution of this project, subject to annual budgeting requirements and final Council approvals.

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

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

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**16H AND 16I TAKEN TOGETHER**

**16H.**

**RESOLUTION**

**WHEREAS**, on July 20, 2004, the City Council adopted a resolution approving the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2267 of the Texas Government Code) that provides the best value to the City;

**WHEREAS**, concurrent with this resolution, City staff has recommended that the Council approve adding Construction Manager-at-Risk as an alternate project delivery method for the design, construction, rehabilitation, alteration, or repair of City facilities as set forth in the Construction Manager-at-Risk Procurement Policy;

**WHEREAS**, the City's Construction Manager-at-Risk Procurement Policy designates the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value

to the City, provided that that the Council shall approve the issuance of a Solicitation for any Construction Manager-at-Risk project prior to its issuance;

**WHEREAS**, the City Engineer has determined that Construction Manager-at-Risk two-step process is the alternative project delivery method that would provide the best value to the City for the Ballpark construction and requests the Council's approval of the issuance of an Request for Qualifications and after a short list of qualified firms has been established, a Request for Proposals as the second step for a Construction Manager-at-Risk for such Ballpark construction project;

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

**THAT** the use of the Construction Manager-at-Risk two-step alternative project delivery method for the Ballpark construction project is approved and the City Engineer is authorized to issue an initial Request for Qualifications and, after a short list of qualified firms have been selected, a Request for Proposals as the second step for a Construction Manager-at-Risk for such Ballpark construction project.

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

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

16I

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

**WHEREAS**, on July 20, 2004, the City Council adopted a resolution approving the use of alternate project delivery methods for construction projects pursuant to Section 271.113 of the Texas Local Government Code (now Section 2267 of the Texas Government Code);

**WHEREAS**, City staff has proposed that the Council adopt this resolution adding Construction Manager-at-Risk as an approved alternate project delivery method for construction projects and that the Council approve the Construction Manager-at-Risk Procurement Policy for City facilities, attached as **Exhibit A** to this Resolution, and designate the City Engineer to determine, before advertising, which alternative project delivery method for construction provides the best value to the City.

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

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

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

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

ABSENT: Representative Ortega

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Motion made by Representative Noe, seconded by Representative Niland, and unanimously carried to  
**ADJOURN** this meeting at 6:09 p.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk