OSCAR LEESER
MAYOR

JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 1, 2013
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 Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr and Cortney Carlisle Niland. Absent: Lilia Limón requested to be excused. The invocation was given by CIMA Chaplain Carlos Clugy-Soto followed by the Pledge of Allegiance to the Flag of the United States of America.

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PLEDGE OF ALLEGIANCE

SAVANNAH HUNNICUTT
ISABELLA HUNNICUTT

MAYOR'S PROCLAMATIONS

1. **DOWN SYNDROME AWARENESS MONTH**
2. **NATIONAL 4-H WEEK**
3. **ARCHTOBER**

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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, Romero, Acosta, Robinson, Noe, Holguin, and Niland
NAYS: None
ABSENT: Representative Limón

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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 24, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Lily Limón from the Regular Council Meeting of October 1, 2013.

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3A.

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

That the City Manager be authorized to sign a Right of Entry between the CITY OF EL PASO and ROTARY OF EL PASO for the use of the property commonly known as 4160 Doniphan Drive, El Paso, Texas more particularly described as a portion of Lot 26, Block 3, Keystone Business Park, which is depicted in the map attached hereto as **ATTACHMENT 1,** from the hours of 9:00 a.m. to 8:00 p.m. on October 5, 2013 for overflow parking for the Wild West Wine Fest. The rent will be $225.00, payable in in-kind services from the Grantee.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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3B. ENVIRONMENTAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of El Paso and the Village of Vinton, for the period of October 1, 2013 through October 31, 2013, for the provision of vector control services by the City of El Paso for the Village of Vinton.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Samuel J. Barela to the Zoning Board of Adjustment, to serve as alternate member, by Representative Larry Romero, District 2.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert Concha Jr., to the Zoning Board of Adjustment, to serve as regular member, by Representative Larry Romero, District 2.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Marina Monsisvais to the Museum and Cultural Affairs Advisory Board by Representative Larry Romero, District 2.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Judy Balmer to the Fire and Police Pension Fund Board of Trustees by City Manager Joyce Wilson.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Eduardo Miranda to the Ethics Review Commission by Representative Emma Acosta, District 3.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Edward Beck to the Open Space Advisory Board by Representative Larry Romero, District 2.

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6A. NOTICE OF CAMPAIGN CONTRIBUTION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: Receipt of Campaign Contribution by Mayor Oscar Leeser in the amount of $500 from the El Paso Association of Builders Build PAC of El Paso;$500 from James A. Martinez; $2,100 from Siria

Rocha; $600 from Albert Apodaca; $600 from Robert Bowling, Sr.; $600 from Robert Bowling IV; $600 from Randy Bowling; $600 from Greg Bowling; $500 from Juan Carlos Buron; $250 from Christine Z. Smith; $1,000 from Randall J. Bowling; $250 from Thomas P. Yegge; $250 from Franz Theard; $250 from Craig Fortune; $500 from Gary W. Sotir; $500 from Robert Bowling IV; $500 from Tomas Cardenas; $150 from Selene Quintana Hammon; $500 from Angela Santoscoy; $500 from Loren H. Hodges; $150 from Thomas G. Ahmann; $150 from Miguel E. Corona; $200 from Robert A. Diaz; $2,500 from Louis M. Alpern and Laura K. Alpern.

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6B. NOTICE OF CAMPAIGN CONTRIBUTION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: Receipt of campaign contribution in the amount of $1,500 from TREPAC/TEXAS Association of Realtors Political Action Committee.

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7.

ORDINANCE 18078

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013" IN AN AMOUNT NOT TO EXCEED $68,500,000.**

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

Mayor Leeser and Representatives Robinson, Niland, and Acosta commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative 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, Romero, Acosta, Robinson, Noe, and Niland
NAYS: Representative Holguin
ABSENT: Representative Limón

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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ITEMS TAKEN TOGETHER

8A.

ORDINANCE 18079

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SOUTH ½ OF BLOCK 61, COTTON ADDITION, 1519 MYRTLE, 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. SUBJECT PROPERTY: 1519 MYRTLE. PROPERTY OWNER: JAVIER O. RAMOS. PZRZ13-00020**

8B.

ORDINANCE 18080

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00012, TO ALLOW FOR INFILL DEVELOPMENT WITH A 100 PERCENT PARKING REDUCTION, AS WELL AS A SPECIAL PERMIT FOR A BALLROOM IN THE C-3 (COMMERCIAL) ZONING DISTRICT, ON THE PROPERTY DESCRIBED AS A PORTION OF SOUTH ½ OF BLOCK 61, COTTON ADDITION, 1519 MYRTLE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT AND 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. SUBJECT PROPERTY: 1519 MYRTLE. PROPERTY OWNER: JAVIER O. RAMOS. PZST13-00012**

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

Representative Niland commented.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, and Niland
NAYS: None
ABSENT: Representative Limón

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

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8C.

ORDINANCE 18081

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00014, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED SIDE AND CUMULATIVE SETBACKS AND REDUCED LOT AREA AND DEPTH AND IMPOSING A CONDITION ON THE PROPERTY DESCRIBED AS LOTS 1 & 2, BLOCK 42, MORNINGSIDE HEIGHTS, 4103 LACKLAND, 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: 4103 LACKLAND. PROPERTY OWNER: ELGUEA PROPERTIES, LLC. PZST13-00014**

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

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, and Niland
NAYS: None
ABSENT: Representative Limón

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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8D. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance vacating a 2.6478 acre portion of Edgar Road Right-of-Way between Ethel Road and Desert Boulevard South, more particularly described as a portion of Edgar Road out of S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas. Applicant Information: Prime Desert Properties, LLC SURW13-00012.

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8E.

ORDINANCE 18082

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 29 AND 30, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SURW12-00006 APPLICANT INFORMATION: DANIEL LUJAN**

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

Representative Niland commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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, Romero, Acosta, Robinson, Noe, Holguin, and Niland
NAYS: None
ABSENT: Representative Limón

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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9.

R E S O L U T I O N

WHEREAS, on June 18, 2013, the City Council for the City of El Paso adopted a Final Action Plan for 2013-2014 for the Consolidated Plan 2010-2015, including the 39th Year (2013-2014) Community Development Block Grant (CDBG) Program, and on the same date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the Annual Action Plan (2013-2014) and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the Annual Action Plan (2013-2014) of the 2010-2015 Consolidated Plan and 2013-2014 CDBG Program Budget by adding one public facility activity, deleting one public service activity and adding one public service activity; and

WHEREAS, on August 23, 2013, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the Annual Action Plan (2013-2014) and 39th Year (2013-2014) CDBG Program Budget and City Council has duly considered public comment, if any; and

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

1. That the Annual Action Plan (2013-2014) and 39th Year (2013-2014) CDBG Program Budget is hereby amended as follows:

Barker Road Street and Drainage Improvements Construction – Phase 3 - $567,900 (**District #3**): This public facility project is added to the CDBG program. The project entails construction of street and drainage improvements on Barker Road from Vinson Way to Polo Inn Road, to include a new asphaltic roadway, curb and gutter, sidewalks, ramps, driveways, landscaping, street lights and an underground storm sewer system. The funds for this project will be transferred from the CDBG Contingency Account; and

Visiting Nurse Association – Home Health Care - $34,782 (**All Districts**): This public service project is deleted from the CDBG program by mutual agreement between the City of El Paso and Visiting Nurse Association. Funds from this project will be used to fund the following public service activity:

Emergence Health Network – Adult Mental Health Case Management - $34,782 (**All Districts**): This new public service project is added to the CDBG program. The project will provide case management services to clients with severe and persistent mental disorders to include assessments and referrals to appropriate psychosocial and psychiatric treatment, allowing persons who may not be able to afford these services the benefits of treatment.

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

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

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

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10. PARKS AND RECREATION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **APPROVE** the Trailhead and Trails Project Priority lists, using 2012 Quality of Life Bond funds.

Ms. Marci Tuck, Open Space, Trails and Parks Coordinator, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Lilly and Robinson commented.

Mr. Tracy Novak, Interim Director of Parks and Recreation, commented.

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11A-1. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONED** one week the item on requesting a letter of support from the Metropolitan Planning Organization to transfer CMAQ funds from the proposed bike share to the P3 Program on the bridge as the bridge proposal will provide a more significant impact on air quality than the proposed bike share.

11A-2. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONED** one week the item on developing a bike share program.

Representative Noe commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Momsen, Municipal Clerk

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11B. MAYOR AND COUNCIL

Discussion and action on the status of ADA facility compliance at City Hall and on ensuring accessibility at all entrances, including the entrance to council chambers.

Mr. Larry Nichols, Deputy Director for General Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representatives Lilly, Acosta, Noe, and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Richard Teschner
2. Ms. Lisa Turner

NO ACTION taken on this item.

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11C. MAYOR AND COUNCIL

Discussion and action on the City of El Paso and TxDot seminar explaining how to qualify for City of El Paso and TxDOT projects. This seminar will explain TxDOT pre-qualification procedures and submission of bids to the City of El Paso. The seminar will also include a financing portion to explain the value of full audits, bonding, banking relations and the impact of the Affordable Care Act Companies, Wednesday, October 2, 2013 from 1:00 p.m. to 4:00 p.m. at the El Paso Community College Administrative Services Center at 9050 Viscount Boulevard.

Representative Acosta commented.

The following City staff members commented:

1. Ms. Irene Ramirez, Interim City Engineer
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

NO ACTION taken on this item.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:56 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:

ABSENT: Representative Limón

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

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and carried to adjourn the Executive Session at 10:43 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Limón

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EX1. Discussion and action on: (1) the County's request to restructure the board of the Camino Real Regional Mobility Authority (CRRMA) to include County representation; and (2) the proposed interlocal agreement between the County and the CRRMA for the development of projects from the new vehicle registration fee. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried directing the City Attorney to do legal research regarding the options available regarding the Camino Real Regional Mobility Authority ("CRRMA") and to cease any further discussion regarding the structure and operations of the CRRMA.

NOT PRESENT FOR THE VOTE: Representative Noe
ABSENT: Representative Limón

Ms. Lisa Turner, citizen, commented.

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The City Council Meeting was **RECESSED** at 10:44 a.m.

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The City Council Meeting was **RECONVENED** at 12:18 p.m.

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CALL TO THE PUBLIC – PUBLIC COMMENT

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

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.
Requests to speak must be received by 8:30 a.m. on the date of the meeting.
30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Jesus B. Ochoa
2. Ms. Rosa Guerrero
3. Mr. Miguel Juarez
4. Mr. Hector Gonzales
5. Ms. Mariana Chew
6. Ms. Rosemary Martinez
7. Mr. Hector Gutierrez, Jr.
8. Mr. German Guzman
9. Mr. Steven Strumer
10. Ms. Juliet Hart
11. Mr. Richard Schecter
12. Ms. Lisa Turner
13. Mr. Salvador Gomez
14. Ms. Wally Cech

Mayor Leeser and Representatives Holguin, Acosta, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Noe, and Holguin
ABSENT: Representative Limón

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

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 1:32 p.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk