

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
OCTOBER 2, 2012
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Eddie Holguin, Jr. at 8:39 a.m. and Carl Robinson at 8:45 a.m. Absent: Ann Morgan Lilly requested to be excused. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. TOM LEA MONTH**
- 2. NATIONAL NIGHT OUT**
- 3. MANO Y CORAZÓN MULTICULTURAL HEALTH CARE SOLUTIONS WEEK**
- 4. ARCHTOBER MONTH**
- 5. DOWN SYNDROME AWARENESS MONTH**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. James Perry
2. Mr. Jose Guillermo Ordorica Robles
3. Ms. Lisa Turner
4. Mr. Jack Bradford
5. Mr. Salvador Gomez

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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1.

**RESOLUTION IN SUPPORT OF ESTABLISHING THE
ORGAN MOUNTAINS-DESERT PEAKS NATIONAL MONUMENT**

WHEREAS, the City of El Paso is directly south of Doña Ana County New Mexico,

WHEREAS, the El Paso – Doña Ana County region is interconnected in many important ways, including ecologically, economically, and culturally,

WHEREAS, Doña Ana County contains a number of areas of exceptional historic and scientific value associated with the Chihuahuan Desert, Southwestern pre American history, life on the American frontier, and emergence of the United States as an international power,

WHEREAS, a diverse coalition of community leaders, citizens, and civic organizations have developed a proposal to protect these important lands as the Organ Mountains-Desert Peaks National Monument,

WHEREAS, the Organ Mountains-Desert Peaks National Monument would protect the Organ Mountains, Potrillo volcanic field, Kilbourne Hole, Broad Canyon, and the Doña Ana, Robledo, and Sierra de las Uvas Mountains,

WHEREAS, the Organ Mountains-Desert Peaks National Monument would also protect important historic sites including stunning petroglyphs and pictographs, the Butterfield Stagecoach Trail, Apollo space mission training sites, World War II aerial targets, Billy the Kid's Outlaw Rock, Geronimo's Cave, and historic ranch houses,

WHEREAS, these lands provide unique local recreational opportunities and quality of life for the citizens of El Paso, Fort Bliss, West Texas,

WHEREAS, New Mexico, El Paso and West Texas all benefit by fostering tourism, strengthening the outdoor recreation economy , and preserving the qualities that make this area a desirable location for families, retirees, and business development,

WHEREAS, the preservation of these lands help provide many natural benefits including watershed, air quality, and ecosystem protection, and

WHEREAS, protection of these rich landscapes and their history will support multicultural traditions within the Mesilla Valley, enhance understanding of New Mexico, Texas, and the American West, and benefit all communities within the region by fostering tourism, strengthening outdoor recreation, and preserving the qualities that make this area a desirable location for retirement and business development.

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

That the City of El Paso is proud to call for the establishment of the historic Organ Mountains-Desert Peaks National Monument in order to preserve areas within our region of historic, scientific, and scenic value for current and future generations, and that the City of El Paso requests that the President of United States use his authority under the 1906 Antiquities Act to establish the Organ Mountains-Desert Peaks National Monument.

Mr. Nathan Small, City of Las Cruces, Councilor, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented.

The following members of the public commented:

1. Ms. Judy Ackerman
2. Mr. Troy Ainsworth
3. Mr. John Moses

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

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

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2.

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 execute a Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Civitas El Paso Regional Center, LLC (the "Applicant"), in relation to the establishment and operation of a regional center (the "**Regional Center**"), pursuant to the U.S. Immigration and Nationality Act, as amended, 8 U.S.C. Sec. 1153(b)(f), and the related regulations released as 8 CFR 204.6 by the U.S. Citizenship and Immigration Service.

Annaelisa Holguin, Business Retention and Expansion Coordinator, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Niland, Ortega and Robinson commented.

The following City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Samaniego, Economic Development Liaison

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

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

CONSENT AGENDA

Motion made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Ortega, 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 Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
 NAYS: None
 ABSENT: Representative Lilly

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3. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 25, 2012.

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4. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Ann Morgan Lilly from the Regular Council Meeting of October 2, 2012.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Julie Rutledge to the Animal Shelter Advisory Committee by Representative Susie Byrd, District 2.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joseph Nestor to the Open Space Advisory Board by Representative Ann Morgan Lilly, District 1.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Frederick Caldwell to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4.

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6A. INTRODUCTION

Motion made by Representative Byrd, seconded by Representative Ortega, 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 Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

ABSENT: Representative Lilly

6A. An Ordinance amending Title 12 (Vehicles and Traffic) Chapter 12.32 (Pedestrians) of the El Paso City Code by repealing Section 12.32.060 (Soliciting Rides or Business - Prohibitions) and adopting a new Section 12.32.063 (Solicitation Prohibitions), to prohibit the aggressive solicitation of money or other services while at or near certain areas, and creating an offense; the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 9, 2012, FOR ITEM 6A

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6B. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the Introduction on an Ordinance amending Title 18 (Building & Construction), Chapter 18.46 (Landscape), Sections 18.46.070 (Plans Required) and 18.46.110 (Irrigation Standards) and Chapter 18.47 (Irrigation Systems), Sections 18.47.080 (Irrigation Plan Design: Minimum Standards) and 18.47.090 (Design and Installation: Minimum Requirements) of the El Paso City Code, to add Architects & Engineers as permitted designed professionals for Landscape and Irrigation plans, and to move the Irrigation Standards from the Landscape Code to the Irrigation Systems Code, the penalty being as provided in Sections 18.46.320 (Violations-Penalty) and 18.47.180 (Enforcement) of the El Paso City Code.

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7A. CITY DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Niland, and carried to **DELETE** 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.

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

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

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

The following City staff commented:

1. Mr. Mathew McElroy, Director of City Development
2. Ms. Lupe Cuellar, Assistant City Attorney

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7B.

ORDINANCE 17882

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

Mr. Victor Morrison-Vega, Deputy Director for Engineering and Construction Management, commented.

Motion duly made by Representative Niland, seconded by Representative Noe, 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, Ortega, and Niland
NAYS: None
ABSENT: 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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ITEMS TAKEN TOGETHER

7C.

ORDINANCE 17883

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 23 AND 24, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS SURW12-00015** APPLICANT INFORMATION: JAIME LOPEZ, JR., 204 HARDESTY, EL PASO, TX 79905

7D.

ORDINANCE 17884

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 19 AND 20, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS SURW12-00012** APPLICANT INFORMATION: JOSE D. LUCERO, 210 HARDESTY, EL PASO, TX 79905

7E.

ORDINANCE 17885

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 10 AND 11, BLOCK 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS SURW12-00002** APPLICANT INFORMATION: EVA R. VALLES, 218 HARDESTY, EL PASO, TX 79905

Representative Niland commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, 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 Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland
NAYS: None
ABSENT: Representative Lilly

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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8.

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 an Amendment to the Professional Services Agreement by and between the City of El Paso and Focused Advocacy, LLC to extend said Agreement for an additional year for a term ending on October 13, 2013 under the same terms and conditions as the current Agreement. Compensation shall not exceed \$78,000.00 that will be paid out in monthly installments of \$6,500.00 each, plus reasonable pre-approved travel expenses to El Paso. The total amount shall not exceed \$90,000.00 annually.

Representative Ortega commented.

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

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

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9A. CITY DEVELOPMENT

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **APPROVE** a Resolution authorizing the City Manager to execute any and all documents related to the purchase of 801 and 811 Texas Street from Harl Dixon for consideration in the amount of \$2,300,000. Said property to be used to relocate City Development and other customer service oriented departments.
THE MOTION FAILED.

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

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. John Vandeven
- 2. Ms. Lisa Turner

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9B. CITY DEVELOPMENT

1st MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:50 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **ADJOURN** the Executive Session at 11:09 a.m. and **RECONVENE** the meeting of the City Council.

3rd AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to execute any and all documents related to the purchase of 300 North Campbell, the "El Paso Times" Building and 400 E. Main and 401 E. Mills for consideration in the amount of \$12,250,000 inclusive.

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

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10.

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 an agreement by and between the CITY OF EL PASO and NO D.U.I. EL PASO to provide funding to offset the costs incurred in providing designated driver

service trips to individuals from establishments within the El Paso City limits in an effort to reduce alcohol-related accidents for a term of one (1) year beginning on October 2, 2012 to October 1, 2013.

Ms. Leila Melendez, Executive Assistant to the City Manager, read into the record revised floor amendment.

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

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11A. MAYOR AND COUNCIL

Discussion and action on the city’s policy concerning media lists, databases, and social media utilized in sharing of information to others outside of the city organization, to include exceptions to the policy and whether staff should exclude persons that are not media from being on such lists.

Representatives Acosta, Byrd, and Holguin commented.

The following City staff commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Juliet Lozano, Communications & Public Affairs Manager

The following members of the public commented:

- 1. Mr. Jim Tolbert
- 2. Ms. Lisa Turner

NO ACTION was taken on this item.

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11B.

RESOLUTION

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

That the Mayor be authorized to sign a Memorandum of Agreement (“MOA”) with the United States Department of Homeland Security and the United States Department of Customs and Border Protection in order to implement the Project 21 program, a technology-based tracking mechanism from Secure Origins to enhance the efficient border crossing of commercial goods, with the following changes subject to approval by the referenced federal entities and addition to the MOA:

3.2 Secure Origins, a company located in El Paso, Texas, has developed [the CBP-21 and Frontera-21 Projects \(hereinafter referred to as “Project 21”\)](#), which is a technology based tracking mechanism as a solution to the referenced current-day border crossing security issues. Project 21 is designed to increase the efficiency and security of goods crossing the US-Mexico border by providing visibility of the shipments’ movements throughout the supply chain. Second, Project 21 program would increase participation in the program by ensuring that participants are able to receive the benefits of C-TPAT, FAST and advanced inspection technologies. Third, Project 21 would enhance security by increasing collaboration between manufacturing plants (maquilas), customs brokers, highway carriers and CBP through the provision of Project-21 command center of data packets for monitored shipments.

[4.1.2 If an anomaly is detected and reported to CBP as part of Project 21, no punitive action will be taken by CBP until an investigation is complete and a determination of wrongdoing has been made.](#)

Mr. Toby Spoon, Secure Origins, President, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Hector Holguin, Secure Origins, Chief Executive Officer, commented.

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

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11C.

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 or designee be authorized to sign a contract to fund a 90-day pilot program with Secure Origins, Inc. in the amount of \$195,000, using Project 21 to facilitate cross border traffic at the Ysleta-Zaragoza Port of Entry.

Mayor Cook and Representative Noe commented.

Ms. Joyce Wilson, City Manager, commented.

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

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

NAYS: Representative Holguin

ABSENT: Representative Lilly

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:03 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

ABSENT: Representative Lilly

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 1:07 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Lilly

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EX1. Andres Cortez v. Jorge Gonzalez, et. al.; Cause No. EP-12-CV-00050-PRM (551.071)

*Motion made, seconded, and unanimously carried to **DELETE** the item.

ABSENT: Representative Lilly

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EX2. Conduct attorney-client communications between the City and its legal counsel to seek advice from legal counsel regarding contemplated litigation related to Texas Public Information Act compliance and appeals. (551.071)

NO ACTION was taken on this item.

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Motion made by Representative Niland, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 1:07 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk