

**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 16, 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: Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly, Susannah M. Byrd, and Steve Ortega at 8:35 a.m. 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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**MAYOR'S PROCLAMATIONS**

- 1. WHITE CANE SAFETY MONTH**
- 2. BOWIE ALUMNI HOMECOMING WEEK**
- 3. AMIGO AIRSHO WEEK**
- 4. EL PASO BUFFALO SOLDIERS MOTORCYCLE CLUB'S 3<sup>RD</sup> ANNUAL CHARITY BANQUET 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. Ms. Wally Cech
2. Mr. Salvador Gomez
3. Mr. Jack Bradford

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**1. MAYOR AND COUNCIL**

Overview of the Greater El Paso Chamber of Commerce's mission.

Mr. Richard Dayoub, President and CEO, El Paso Chamber of Commerce, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Chuck Harre, Board Chair, Executive Committee for El Paso Chamber of Commerce, commented.

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Lilly, 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 Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland

NAYS: None

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**2. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 9, 2012.

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

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

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Richard V. Teschner to the Open Space Advisory Board by Representative Emma Acosta, District 3.

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**4B. BOARD APPOINTMENT**

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

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

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

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:21 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

**3<sup>rd</sup> MOTION**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:25 a.m. and **RECONVENE** the meeting of the City Council.

**4<sup>th</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **APPOINT** Marc A. Salazar to the Fair Housing Task Force Board by Representative Emma Acosta, District 3.

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**5A. – 5C. INTRODUCTIONS**

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

**5A.** 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.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 30, 2012, FOR ITEM 5A**

**5B.** An Ordinance amending Title 21 (SmartCode), Chapter 21.30 (New Community Plans), Section 21.30.100 (Environmental Standards) and Chapter 21.70 (Definitions) of the El Paso City Code, to add a new designation of utility green space specific to Transect Zone 1 and to add new definitions for the terms “conservation covenant”, “stormwater open space” and “utility green space”; and to address preliminary plat and regulating plans. The penalty being as provided in Chapter 21.60 (Enforcement and Penalty) of the El Paso City Code.

**5C.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), 20.10 (Supplemental Use Regulations), and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a definition for “conservation covenant”, “stormwater open space” and “utility green space”, and to add standards for the use of utility green space. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 6, 2012, FOR ITEMS 5B - 5C**

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**6A.**

**ORDINANCE 17887**

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 2012” AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY IN AN AMOUNT NOT TO EXCEED \$63 MILLION.**

Mayor Cook and Representatives Robinson, Niland, Acosta, and Noe commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

Mr. Paul Braden, outside bond counsel, gave legal advice.

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

Motion made by Representative Robinson, seconded by Representative Holguin, that the Ordinance be **AMENDED** to remove City Hall funding and street resurfacing funding projects from the Ordinance.

**THE MOTION FAILED.**

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

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

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED, AS PRESENTED**. 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, Ortega, and Niland  
NAYS: Representatives Acosta and Holguin  
ABSTAIN: Representative Robinson

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

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**6B.**

**ORDINANCE 17888**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012” AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY IN AN AMOUNT NOT TO EXCEED \$23,260,000.**

Motion duly made by Representative Niland, seconded by Representative Acosta, 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, Ortega, and Niland  
NAYS: Representative Holguin

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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**7.**

**ORDINANCE 17889**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTIES DESCRIBED AS LOTS 12 THRU 14, INCLUSIVE, BLOCK 57; LOTS 15 THRU 20, INCLUSIVE; BLOCK 57, LOTS 31 AND 32; BLOCK 57 AND LOT 33, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS, TO JOHN KABA AND BARBARA PAUL, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Representatives Byrd and Lilly commented.

Ms. Sylvia Firth, City Attorney and Mr. Jose Padilla, Delgado Acosta Spencer Linebarger & Perez, LLP gave legal advice.

Motion duly made by Representative Byrd, seconded by Representative Acosta, 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  
NOT PRESENT FOR THE VOTE: Representatives Noe and 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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**8A.**

**ORDINANCE 17890**

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

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

Representative Byrd commented.

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

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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**8B.**

**ORDINANCE 17891**

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

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

Representatives Ortega and Niland commented.

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

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

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

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**8C.**

**ORDINANCE 17892**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 9-14, BLOCK 25, THIRD AMENDED MAP OF HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 2413 TREMONT AVENUE. PROPERTY OWNER: HECTOR F. BARRAZA. PZRZ12-00022**

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

Representative Byrd commented.

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

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

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

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**9.**

**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, in form and substance approved by the City Attorney, between the City of El Paso and the El Paso Municipal Police Officer’s Association in reference to Grievance #EP-11-131, EPMPOA, Wage Formula Provisions and take any and all actions necessary and proper to implement the settlement in accordance with the agreement.

Mr. David Almonte, Deputy City Manager, Public Safety & Community Services and Ms. Chris Borunda, El Paso Municipal Police Officers’ Association, presented a PowerPoint presentation (copy on file in City Clerk’s office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Linda Ball Thomas, Director for Human Resources

The following members of the public commented:

1. Mr. Ron Martin, El Paso Municipal Police Officers' Association
2. Mr. Jim Jopling, outside counsel for El Paso Municipal Police Officers' Association

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

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**10A. MAYOR AND COUNCIL**

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

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign up period.

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

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to have a work group study this Resolution and **COME BACK** to City Council with recommendations before November 14, 2012.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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

The following City staff members commented:

1. Mr. William Lilly, Director of Community and Human Development
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Bobby Bowling, citizen
2. Mr. Gerald Cichon, Chief Executive Officer, Housing Authority City of El Paso

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**10B.**

**RESOLUTION**

**WHEREAS**, the Ysleta del Sur Pueblo is a federally recognized Indian Tribe;

**WHEREAS**, the Ysleta del Sur Pueblo and its members have lived and raised their children in El Paso County, Texas for over 350 years;

**WHEREAS**, the Ysleta del Sur Pueblo has been and continues to be a vital and important part of the economic and cultural fabric of our community;

**WHEREAS**, the Ysleta del Sur Pueblo is integrally involved in and supportive of important community programs and services including education, elder services, health care, public safety and a host of other public health and welfare efforts;

**WHEREAS**, the Ysleta del Sur Pueblo over the past few years has brought a valuable community asset to the community through operation of its Speaking Rock Entertainment Center;

**WHEREAS**, operation of the Speaking Rock Entertainment Center has not caused public health, safety or welfare concerns and instead has improved the safety and economic stability of the community; and

**WHEREAS**, operation of the Speaking Rock Entertainment Center has increased income levels, supported development of small businesses near the Center, brought entertainment options to the community, and increased employment in this historically financially impoverished area.

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

THAT the El Paso City Council supports the Ysleta del Sur Pueblo and its continued operation of its Speaking Rock Entertainment Center; and that elected officials from the City of El Paso, El Paso County, and the State of Texas are encouraged to take all steps necessary to continue the operation of the Speaking Rock Entertainment Center.

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

NOT PRESENT FOR THE VOTE: Representative Lilly

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**10C.**

**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 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, Holguin, and Niland commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

County Judge Veronica Escobar commented.

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

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

NAYS: Representatives Robinson and Holguin

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:55 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.

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 1:17 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** PUC Docket No. 40301, SOAH Docket 473-13-0043, Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Generating Units at the Montana Site in Texas. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd and unanimously carried that the City Attorney be authorized sign all documents necessary to resolve Public Utility Commission of Texas Docket No. 40301, SOAH Docket 473-13-0043, Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Generating Units at the Montana Site in Texas.

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**EX2.** Lorenzo Juarez vs. City of El Paso, Cause No. 2008-3827 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority, to negotiate settlement agreement and sign all settlement documents to resolve the lawsuit styled Lorenzo Juarez vs. City of El Paso; Cause No. 2008-3827.

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 Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 1:19 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk