

**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 18, 2011  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Emma Acosta at 8:40 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 8:52 a.m. during Executive Sessions deliberations. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. EL PASO NAVY WEEK**
- 2. AMIGO AIRSHO WEEK**
- 3. FOOD DAY**
- 4. RESPIRATORY CARE WEEK**
- 5. EL PASO BUFFALO SOLDIERS MOTORCYCLE CLUB  
2<sup>ND</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 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. John Conwell
2. Mr. Mark Strathmann
3. Mr. Jerry Thiedt
4. Mr. Salvador Gomez
5. Mr. Manny Hinojosa

Mayor Cook and Representatives Niland and Byrd commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

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Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- 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.

NOT PRESENT FOR THE VOTE:   Representatives Acosta and Holguin

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:14 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representatives Byrd and Noe

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**EX1.**   Portions of Lot 1, Block 1, Hawkins Plaza, El Paso, Texas (551.071 and 551.072)

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

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**EX2.**   Discussion and action on litigation strategies as it relates to pending or contemplated utility rate cases. (551.071)

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

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**EX3.**   American Promotional Events of Texas, LLP vs. City of El Paso; Cause No. 2009-2983 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office be authorized settlement authority and to sign all settlement documents in the lawsuit styled American Promotional Events of Texas, LLP v. The City of El Paso; Cause No. 2009-2983.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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

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**1.    APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 11, 2011.

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

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

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**3A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gilbert Guillen to the Empowerment Zone Advisory Board by Representative Carl L. Robinson, District 4.

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**3B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Abel Saucedo to the Museums and Cultural Affairs Advisory Board by Representative Michiel Noe, District 5.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Bernie Page to the Animal Shelter Advisory Committee by Mayor John F. Cook.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Jason Lee Brewer to the Empowerment Zone Advisory Board by Representative Eddie Holguin, Jr., District 6.

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**5.**

**RESOLUTION**

That the City Manager be authorized to sign the Fourth Amendment to the Agreement for Professional Services by and between the City of El Paso and Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A Rewrite of the City's Comprehensive Plan" to add additional design services in the amount of Two Hundred Seven Thousand and 00/100 dollars (\$207,000.00) thereby extending the contract amount from \$2,674,120.00 to \$2,881,120. The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds additional services to Task Order 3 for the development of multiple design scenarios for the Public Service Board (PSB) Northwest Properties along Transmountain Road and the presentation of those plans at a public workshop.

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

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

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

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

Representatives Lilly, Niland, and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Mathew McElroy, Deputy Director for Planning and Economic Development, read floor amendment into the record.

The following members of the public commented:

1. Mr. Charlie Wakeem, Open Space Advisory Board
2. Mr. Jim Tolbert
3. Ms. Judy Ackerman

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**6A. – 6B. INTRODUCTIONS**

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

**6A.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.020 (Adopted), 105.6 (Operational Permits) by adding Subsection 105.6.52 (Outside Storage of combustible Material); the penalty as provided in El Paso City Code Subsection 9.52.030.19 (Violation Penalties).

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2011, FOR ITEM 6A**

**6B.** An Ordinance releasing all conditions placed on property by Ordinance No. 9264 which changed the zoning of a portion of Lot 2, Block 5, Mesa Hills Plaza, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 15, 2011, FOR ITEM 6B**  
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**7A.**

**ORDINANCE 17654**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: LOT 25 AND A PORTION OF LOT 24, BLOCK 1, COLONIA VERDE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION. PARCEL 2: LOT 1, BLOCK 35, COLONIA VERDE UNIT SIX, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Robinson commented.

Motion duly made by Representative Robinson, 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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**7B.**

**ORDINANCE 17655**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 5941 WHICH CHANGED THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 10, PECAN GROVE SUBDIVISION UNIT-2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Holguin commented.

Motion duly made by Representative Holguin, 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, Ortega and Niland

NAYS: None

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**.

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**7C.**

**ORDINANCE 17656**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE) OF THE EL PASO CITY CODE, TO MODIFY THE DEFINITION OF LANDSCAPABLE AREA, REDUCE THE REQUIRED NUMBER OF ONE GALLON PLANT MATERIALS, REDUCE THE HEIGHT OF ONE INCH CALIPER PROJECT TREE SUBSTITUTIONS, ALLOW PROJECT TREE SUBSTITUTIONS FOR FIVE GALLON PLANT MATERIALS, REDUCE THE FRONTAGE LANDSCAPE BUFFER FOR CERTAIN SHOPPING CENTERS, ADOPT A DESIGNATED LANDSCAPE INFILL DEVELOPMENT AREA, REDUCE THE LANDSCAPE REQUIREMENTS FOR PROPERTIES WITHIN THE AREA, AND ADD A PLANT COVERAGE OPTION. THE PENALTY BEING AS PROVIDED IN SECTION 18.46.180 (VIOLATIONS – PENALTY) OF THE EL PASO CITY CODE.**

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

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

The following members of the public commented:

1. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce

2. Mr. Charlie Wakeem, Open Space Advisory Board

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, Ortega and Niland  
NAYS: 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**.

7D.

**ORDINANCE 17657**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00008, TO ALLOW FOR A GROUND-MOUNTED 75 FOOT PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS TRACT 1M, SECTION 28, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Robinson, 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**.

7E. **PLANNING AND ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

ITEMS TAKEN TOGETHER

7F. **PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 15 (Public Services) Chapter 15.22 (Water and Wastewater Impact Fees) of the El Paso City Code to delete section 15.22.170 (Certification of Compliance). The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.

7G. **PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **DELETE** the public hearing on an Ordinance vacating a utility easement measuring 7 feet in width, located within a portion of Lots 1 and 2, Block 1, International Industrial Center, City of El Paso, El Paso County, Texas.

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8.

**ORDINANCE 17658**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO J.D. ABRAMS, LP. FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REPAIR OF A 115 LINEAR FOOT SUBSURFACE HMAC TY C TEMPORARY WATER LINE WITHIN PORTIONS OF CITY RIGHT-OF-WAY BENEATH GEORGE ORR ROAD BETWEEN BEN SWAIN DRIVE AND HIGHWAY LP375 (CESAR CHAVEZ HIGHWAY) FOR A TERM OF FIVE YEARS WITH ONE RENEWABLE FIVE YEAR TERM.**

Ms. Mirian Spencer, Department of Transportation, commented.

Motion duly made by Representative Acosta, 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, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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ITEMS TAKEN TOGETHER

9A.

**ORDINANCE 17659**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), OF THE EL PASO CITY CODE, BY ADDING SECTION 18.10.265 (PROTECTION OF WATER SERVICE ENTRANCE) AND SECTION 18.10.266 (PLUMBING WITHIN EXTERIOR WALLS) TO HELP PREVENT PIPES FROM FREEZING DURING SEVERE WEATHER, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

9B.

**ORDINANCE 17660**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.20 (PLUMBING CODE), OF THE EL PASO CITY CODE, BY ADDING SECTION 18.20.240 (PROTECTION OF WATER SERVICE ENTRANCE) AND SECTION 18.20.250 (PLUMBING WITHIN EXTERIOR WALLS) TO HELP PREVENT PIPES FROM FREEZING DURING SEVERE WEATHER, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

9C.

**ORDINANCE 17661**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.28 (EXISTING BUILDING CODE), OF THE EL PASO CITY CODE, BY ADDING SECTION 18.28.060 (PLUMBING REPAIRS) TO HELP PREVENT PIPES FROM FREEZING DURING SEVERE WEATHER, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATION AND PENALTIES) OF THE EL PASO CITY CODE.**

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

Mr. Ray Aauto, El Paso Association of Builders, 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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**9D.**

**ORDINANCE 17662**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) SECTION 18.02.108.5.1 (BOND REQUIRED), OF THE EL PASO CITY CODE, DECREASING THE REQUIRED BOND AMOUNT FOR CONTRACTORS FROM \$50,000 TO \$25,000 AND ALLOWING FOR ADDITIONAL EXCEPTIONS TO THE \$25,000 BOND REQUIREMENT, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

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

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Ray Aauto, El Paso Association of Builders, commented.

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, 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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**10.**

**ORDINANCE 17663**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO CEMEX CONSTRUCTION MATERIALS SOUTH, LLC, TO OPERATE AND MAINTAIN A SOLID WASTE COLLECTION AND HAULER SERVICE WITHIN THE CITY OF EL PASO SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN; THE PENALTY AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.**

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

Motion duly made by Representative Byrd, 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

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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**11.**

**RESOLUTION**

**WHEREAS**, on November 18, 2008, the City Council for the City of El Paso amended its Annual Action Plan (2008-2009) for the Consolidated Plan 2005-2010, by adding a Neighborhood Stabilization Program (NSP) component to the Community Development Block Grant (CDBG) Program by adding NSP-funded activities to stabilize specific El Paso neighborhoods identified as having the greatest need based on the U.S. Department of Housing and Urban Development's (HUD) criteria, and approving the International Building Code (IBC) definition for "blighted structure" for the purposes of NSP activities, whenever applicable, to comply with HUD's directive for such a definition; and

**WHEREAS**, on May 25, 2010, the City Council first amended its NSP by expanding the list of eligible Census Tracts for acquisition, rehabilitation and homebuyer assistance activities; and

**WHEREAS**, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires a second amendment to the NSP component of the Annual Action Plan (2008-2009) by again adding to the list of eligible Census Tracts for acquisition and development activities; and

**WHEREAS**, on September 20, 2011, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 15-day public comment period regarding the proposed amendment to the NSP component of the Annual Action Plan (2008-2009) 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 NSP component of the Annual Action Plan (2008-2009) is hereby amended as follows:

Expand the list of eligible Census Tracts for acquisition, rehabilitation and homebuyer assistance activities by adding Census Tract 39.03, for the purpose of building a multi-family project with approximately 12-15 units that will meet three or more of the following criteria:

- The estimated number of foreclosures equals 30 or more.
- The estimated foreclosure rate equals 5% or more.
- The number of all loans made between 2004 and 2006 that are high-cost as of 2008 equals 50 or more.
- The estimate high-cost loan rate equals 50% or more.
- The estimated risk of foreclosure and abandonment equals 8 or more.

NSP funds in the amount of \$1,763,653 will be allocated towards the development of the multi-family project **(Districts 6 & 7)**; and

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of the 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, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Holguin and Byrd commented.

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

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

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

NAYS: None

ABSTAIN: Representative Holguin

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ITEMS TAKEN TOGETHER

**12A. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and carried to **DIRECT** the City Manager to initiate the process of creating a Tax Increment Reinvestment Zone (TIRZ) for property owned by the City of El Paso and the Medical Center of the Americas Foundation or its affiliates, in the noncontiguous area within the boundaries south of Interstate 10, north and west of Paisano Drive, and east of Boone Street, as shown in the Exhibit provided, and any other public or private property owners in the Medical Center of the Americas Master Plan Area who request to be included.

**12B.**

**RESOLUTION**

That the City Manager is authorized to execute a Lease Agreement by and between the City of El Paso, Texas and MCA Tech Park, Inc., for the redevelopment and use of approximately 11.7 acres of land adjacent to Interstate Highway I-10 between Revere and Euclid Streets, located in El Paso, County of El Paso Texas, subject to the adoption of an Ordinance adopting a Final Project Plan and Final Reinvestment Zone Financing Plan for a Tax Increment Reinvestment Zone, which includes the subject property, the Lease Agreement being substantively in the form attached herein.

Ms. Lisa Ramirez-Tobias, Capital Assets Manager, and Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Acosta commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Ms. Emma Schwartz, Medical Center of the Americas Foundation, President

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

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

NAYS: None

ABSTAIN: Representative Holguin

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**13A. MAYOR AND COUNCIL**

Motion made by Representative Lilly, seconded by Representative Niland, and unanimously carried to **APPROVE** travel for Mayor John F. Cook to attend the National League of Cities Congress of Cities and Exposition and board meetings in Phoenix Arizona as a member of the Board of Directors from November 8 – November 12, 2011.

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

NAYS: Representative Byrd, Holguin, and Ortega

Mayor Cook and Representatives Ortega, Acosta, Holguin, and Niland commented.

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

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**13B.**

**RESOLUTION**

That the City Council declares that the expenditure of District 8 discretionary funds in an amount not to exceed \$600.00 to be used for the costs rental of the Union Depot for the conduct of a fashion show as part of the Juarez Competitiva events will help support this event, occurring in both El Paso and Juarez, which is designed to improve the image of the entire Juarez-El Paso region and which provides benefits directly to El Paso through its promotion of the arts and by improving El Paso's tourism and economic development image, and is authorized.

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

Mr. Charlie McNabb, City Attorney, commented.

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE, AS REVISED**, the Resolution.

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

NAYS: Representative Robinson

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**13C. MAYOR AND COUNCIL**

Presentation and action on comments prepared by Nestor Valencia and his team for the San Jacinto Plaza Park Concept Plan.

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

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **INCORPORATE** Trolley Café in plan.

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

Motion made by Representative Acosta, seconded by Representative Noe, and carried to **APPROVE** Los Lagartos Alligator Sculpture in center of park. **THE MOTION PASSED.**

AYES: Mayor Cook and Representatives Byrd, Acosta, Noe, and Holguin

NAYS: Representatives Lilly, Robinson, Ortega, and Niland

Mayor Cook broke the tie, voting Aye.

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

Motion made by Representative Ortega, seconded by Representative Acosta, and carried to **INSTALL** balustrades around Los Lagartos Sculpture.

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

NAYS: Representative Niland

**4<sup>TH</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Ortega, and carried to **REINSTATE** axial design of the Park.

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

NAYS: Representative Niland

**5<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **APPROVE AS AMENDED** today the SWA Group Plan.

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

NAYS: Representative Niland

Nestor Valencia presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Ortega, Lilly, Acosta, Niland, Byrd

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Robert Almonte, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Miguel Juarez
2. Ms. Katherine Brennand
3. Mr. Brent Harris, Mills Plaza Properties
4. Mr. Peter Schwartzpine

5. Ms. Norma Chavez

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Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to  
**ADJOURN** this meeting at 1:26 p.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk