

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
NOVEMBER 5, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor Pro Tempore Cortney Carlisle Niland present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Carl Robinson, Michiel R. Noe, and Lilia Limón. Late arrivals: Emma Acosta and Eddie Holguin, Jr. at 8:36 a.m. Absent: Mayor Oscar Leeser requested to be excused. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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PLEDGE OF ALLEGIANCE

GRACE ADONAI BAEZA

MAYOR'S PROCLAMATIONS

- 1. EPILEPSY AWARENESS MONTH**
- 2. GOLDEN CORRAL MILITARY APPRECIATION MONDAY**
- 3. HONOR THE VETERAN WEEK**

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CONSENT AGENDA

Motion made by Representative Holguin, 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, Romero, Acosta, Robinson, Noe, Holguin, Limón 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 29, 2013 and the Legislative Review Meeting of the Whole of October 28, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Oscar Leeser from the Regular Council Meeting of November 5, 2013.

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3A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Manuel Feliberti to the El Paso Bond Overview Advisory Committee (BOAC), by Representative Michiel Noe, District 5.

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3B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Luis De La Cruz to the Zoning Board of Adjustment by Representative Emma Acosta, District 3.

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3C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Margaret J. Edman to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3.

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4.

ORDINANCE 18091

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00021, TO ALLOW FOR A TELEVISION BROADCASTING ANTENNAE AND EQUIPMENT FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 2, BLOCK 3, ALTO MESA UNIT 3, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.700 AND 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 200 S. ALTO MESA. PROPERTY OWNER: 99 CA, LP. PZST13-00021**

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

Representative Niland 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 Pro Tempore 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, Limón and Niland
NAYS: None

Whereupon the Mayor Pro Tempore 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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5.

ORDINANCE 18092

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND THE EL PASO COLLABORATIVE FOR COMMUNITY AND ECONOMIC DEVELOPMENT WHICH WILL ALLOW THE CITY TO CONVEY LOT 60, BLOCK 33, TIERRA DEL ESTE #6; AND LOT 32, BLOCK 32, VISTA REAL #3, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (ALSO KNOWN**

AS 3081 TIERRA SALADA; AND 3525 OXCART RUN), TO THE EL PASO COLLABORATIVE FOR COMMUNITY AND ECONOMIC DEVELOPMENT.

Representative Noe commented.

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

Motion duly made by Representative Noe, seconded by Mayor Pro Tempore Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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, Limón and Niland

NAYS: None

Whereupon the Mayor Pro Tempore 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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6.

ORDINANCE 18093

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 PROPERTY DESCRIBED AS LOT 18, BLOCK D, DEAL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 9, PAGE 4, MAP RECORDS OF EL PASO COUNTY, TEXAS TO MARTIN ARRIETA AND ANA LUISA ARRIETA, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Ms. Carmen Perez, outside tax counsel, gave legal advice.

Motion duly made by Representative Acosta, seconded by Representative Romero, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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, Limón and Niland

NAYS: None

Whereupon the Mayor Pro Tempore 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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7A.

R E S O L U T I O N

A RESOLUTION AMENDING THE CITY’S INFILL DEVELOPMENT INCENTIVE POLICY

WHEREAS, on August 24, 2010, the El Paso City Council, adopted a resolution that established the Infill Development Incentive Policy (the “Policy”); and

WHEREAS, on November 16, 2010, the El Paso City Council amended the Policy; and

WHEREAS, the Director of City Development now recommends that the adopted Policy be amended to provide a rebate for construction and planning fees associated with the construction or redevelopment on qualifying infill developments.

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

The City of El Paso Infill Development Incentive Policy be amended and restated as shown in Exhibit "A", attached to this Resolution.

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

Representatives Niland, Acosta, Robinson, Romero, and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schechter
- 2. Ms. Lisa Turner

Motion made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **APPROVE** the Resolution and **DIRECT** the City Manager and the City Attorney to come back to Council with an ordinance change to remove the smart code requirement for parcels five acres or more.

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ITEMS TAKEN TOGETHER

7B.

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 Tax Abatement Agreement between the City of El Paso and Central City Renal Construction LLC, a Texas Limited Liability Company, pursuant to the City's Infill Development Incentive Policy, for the construction of a clinic on the vacant lot located at 1310 Murchison, El Paso, Texas.

7C.

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 Sales Tax Rebate Program Agreement by and between the City of El Paso and Central City Renal Construction LLC, a Texas Limited Liability Company, pursuant to the City's Infill Development Incentive Policy for the construction of a clinic on the vacant lot located at 1310 Murchison, El Paso, Texas.

7D.

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 Tax Abatement Agreement between the City of El Paso and Transmountain Renal Construction LLC, a Texas Limited Liability Company, pursuant to the City's Infill Development Incentive Policy, for the construction of a clinic on the vacant lot located at 5800 Woodrow Bean Transmountain Drive, El Paso, Texas.

7E.

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 Sales Tax Rebate Program Agreement by and between the City of El Paso and Transmountain Renal Construction LLC, a Texas Limited Liability Company, pursuant to the City's Infill Development Incentive Policy for the construction of a clinic on the vacant lot located at 5800 Woodrow Bean Transmountain Drive, El Paso, Texas.

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

Representatives Niland, Noe and Robinson commented.

The following members of the public commented:

- 1. Mr. Richard Schechter
- 2. Ms. Lisa Turner

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and carried to **APPROVE** the Resolutions.

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

NAYS: Representative Holguin

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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 9:41 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 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 Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 10:05 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Noe

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EX1. Collection claim against Ana P. Gonzalez and William Patterson, Our Matter No. 11-1026-042 (551.071)

Motion made Representative Holguin, seconded by Mayor Pro Tempore Niland and unanimously carried that the City Attorney's Office be authorized to negotiate and settle the collection claim against Ana P. Gonzalez and William Patterson. The City Attorney is authorized to sign all documents to effectuate this authority under File No. 11-1026-042 as recommended by the City Attorney.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Holguin, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe

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EX2. E-One, Inc. vs. Hall-Mark Fire Apparatus-Texas, LLC vs. City of El Paso, Cause No. 2012-DCV05753 (551.071)

Motion made by Representative Holguin, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to deny Hall-Mark Fire Apparatus-Texas, LLC's settlement demand in the lawsuit styled E-One, Inc. vs. Hall-Mark Fire Apparatus-Texas, LLC vs. City of El Paso, Cause No. 2012-DCV05753 in the 448th District Court, El Paso County, Texas.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Holguin, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe

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EX3. Claim of Three Legged Monkey L.P. and James Michael Armstrong; Our file no. 13-1001-040.001 (551.071)

*Motion made, seconded and unanimously carried to **POSTPONE** one week the Claim of Three Legged Monkey L.P. and James Michael Armstrong; Our file no. 13-1001-040.001.

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EX4. Claim of Weidner Consulting, Inc.; Our file no. 13-1056-011(551.071)

*Motion made, seconded and unanimously carried to **DELETE** the Claim of Weidner Consulting, Inc.; Our file no. 13-1056-011.

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EX5. Cesar Sanchez v. The City of El Paso, et. al., Cause No. EP-13-CV-0235-DB (551.071)

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Niland and unanimously carried to **POSTPONE** one week Cesar Sanchez v. The City of El Paso, et. al., Cause No. EP-13-CV-0235-DB.

NOT PRESENT FOR THE VOTE: Representative Noe

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The City Council Meeting was **RECESSED** at 10:07 a.m.

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The City Council Meeting was **RECONVENED** at 12:19 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. Richard Cerros
2. Ms. Wally Cech
3. Ms. Lisa Turner

Ms. Joyce Wilson, City Manager, presented the National Recognition of Police Chief Gregory Allen.

Representative Holguin and Niland commented.

Police Chief Gregory Allen commented.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 12:36 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk