

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
November 29, 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, Emma Acosta, Carl Robinson, Michiel R. Noe, and Steve Ortega. Late arrivals: Susannah Byrd, at 8:37 a. m., Eddie Holguin, Jr. at 8:42 a.m., and Cortney Niland at 8:50 a.m., during Executive Session. The invocation was given by, Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. El Paso Employees Federal Credit Union Celebration of Lights Day**
- 2. Friends of the Westside Branches of the El Paso Public Library Week in El Paso**
- 3. Kiwanis Aktion Club Day**
- 4. John Ruiz 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 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. Ms. Judy Ackerman
 2. Mrs. Joanna Dodge
 3. Mr. Jack Bradford
 4. Mr. Salvador Gomez
 5. Mr. Geoffrey L. Becker
 6. Ms. Lisa Turner
 7. Mr. Jorge Artalejo
 8. Mr. Raul Amaya
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Motion made by Representative Ortega, seconded by Representative Robinson, 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 on the Agenda.

NOT PRESENT FOR THE VOTE: Representative Byrd, Holguin and Niland

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 9:42 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Noe

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EX1. John F. Cook v. Tom Brown Ministries, et al.; Cause No. 2011-DCV-02792 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta and unanimously carried, that City Council waive any existing or potential conflict of interest that may apply to the City Attorney's Office in the case entitled John F. Cook v. Tom Brown Ministries, et. al., Cause No. 2011-DCV-02792 in the County Court at Law Number 3 and to authorize City Attorney's Office to represent the City of El Paso in this case.

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

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EX2. Petition of El Paso Electric Company for Review of City of El Paso's Rate Resolutions and Request for Expedited Relief before the Public Utility Commission of Texas, Docket No. 39868. (551.071)

NO ACTION was taken on this item.

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EX3. Clear Channel Outdoor, Inc. vs. The City of El Paso; Cause No. 2009-3939 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried that the City Attorney's Office, be authorized to enter into settlement negotiations in the matter of Clear Channel Outdoor, Inc. vs. City of El Paso, Cause No. 2009-3939.

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

CONSENT AGENDA

*Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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 November 15, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

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

THAT the City Manager be authorized to sign Modification No. 33 to Contract No. NAS9-01177 by and between the National Aeronautics and Space Administration (“NASA”) and the City of El Paso (“Contractor”) which will extend the contract performance for the period of January 1, 2012 through March 31, 2012.

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3B.

***RESOLUTION**

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

THAT the City Manager be authorized to sign the Second Amendment to the Concession Agreement by and between the City of El Paso (“City”) and 24-Hour Flower, Inc. (“Concessionaire”) to extend the term of the Agreement through December 31, 2016 for the continued operation of a self-dispensing, refrigerated kiosk to sell flowers on the ground floor of the El Paso International Airport.

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3C.

***RESOLUTION**

WHEREAS, on November 10, 2009, the City Council for the City of El Paso authorized the City Manager to sign and submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for a two-year Homeless Housing and Services Program (HHSP) grant in the amount of \$1,626,459 that the City utilized to fund, until May 31, 2011, eligible operation and direct service costs of 14 non-profit, homeless service providers in the El Paso community; and

WHEREAS, the State of Texas Governor’s Office and TDHCA secured General Revenue funds to continue the HHSP program for one year from September 1, 2011 through August 31, 2012, and allocated to the City of El Paso an additional \$70,078.48 to be used for the same purposes and intent as the original HHSP allocation; and

WHEREAS, the Community and Human Development Department accepted proposals from all the HHSP agencies that were funded in the first grant round and utilized past performance criteria of timely HHSP fund expenditures and client-served goals and recommends awarding the \$70,078.48 to: (1) Child Crisis Center of El Paso – Emergency Shelter for Children (\$35,000); and (2) Opportunity Center for the Homeless, Inc. – Women in Transition Shelter Resource Center (\$35,078.48); and

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

1. That the City Manager be authorized to sign and submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for a one-year, HHSP grant in the amount of \$70,078.48 or any grant extension. The grant will fund, until August 31, 2012, eligible operation and direct service costs of non-profit, homeless service providers in the El Paso community; and
2. That the City Manager be authorized to sign all contracts and documents with the two agencies identified in the recitals above, which are hereby approved for the additional HHSP funding. The City Manager is authorized herein to sign amendments to such contracts which add to or reduce funding when such amendments are consensual, including the de-obligation of funds by mutual termination; and
3. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution and be authorized to sign all Certifications, Performance Reports, and any agreements or related documents for TDHCA or agency HHSP activities upon approval by the City Attorney’s Office and Director of Community and Human Development Department.

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3D.

***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 a grant contract between the City of El Paso and El Paso Affordable Housing Credit Union Service Organization (“Grantee”) to fund Grantee’s operation of a Volunteer Income Tax Assistance (VITA) program site in the Lower Dyer Neighborhood Revitalization Strategy Area (“Lower Dyer NRSA”) for the benefit of low to moderate-income Lower Dyer NRSA residents, in furtherance of the strategy’s goal of promoting long-term physical, economic and social revitalization of the Lower Dyer neighborhood; the funding source being a \$20,000.00 restricted fund donation provided by State Farm Bank to the City for this designated purpose.

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3E.

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 a Memorandum of Agreement between the Texas Commission on Environmental Quality (“TCEQ”) and the City of El Paso (“City”), collectively the “Parties,” concerning the Parties respective responsibilities under the Texas State Implementation Plan (SIP) as it pertains to the City, and to memorialize the agreement between the Parties to provide the City with alternative methods of particulate matter (PM) control consistent with attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

Representatives Byrd and Holguin commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager.
- 2. Mr. Daryl W. Cole, Department of Transportation

Mr. Bill Addington, El Paso Sierra Club, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

3F.

RESOLUTION

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

That the City Manager be authorized to sign a Consulting Agreement by and between the City of El Paso, Texas ("City") acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Texas Transportation Institute ("TTI") whereby the TTI agrees to assist the MPO in refining the MPO's Congestion Management Process to address Federal Highway Administration/Federal Transit Administration recommendations in order to ensure compliance with federal requirements.

Representatives Byrd and Holguin, commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Michael Medina, El Paso MPO, commented.

Mr. Bill Addington, El Paso Sierra Club, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

3G. ENVIRONMENTAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution placing a condemnation lien on the following properties (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso City Code:

- 1. 403 Dolan Street \$8,231.10 Fernando Nieto and Josefina Nieto
- 2. 3429 Rivera Avenue \$9,030.07 Carrie Agent Brown and Leatrice Agent Saunders

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3H.

***RESOLUTION**

WHEREAS, the City owns the Star on the Mountain ("Star"), which is located on the south side of the Franklin Mountains in El Paso, Texas on property leased by the City from 88 Investments, Inc.; and

WHEREAS, the City has contracted with the El Paso Chamber of Commerce to operate a program for the lighting, operating and maintenance of the Star on the Mountain, including a commemorative and donation component that allows the Star to be lit every evening; and

WHEREAS, the Autism Community Network of El Paso has requested the City's approval to have the Star lit with blue light bulbs during the month of April 2012 to educate, advocate and promote tolerance for those affected by Autism; and

WHEREAS, the City is willing to agree to lighting the Star blue by the Autism Community Network of El Paso in April 2012 pursuant to the terms stated in the Agreement.

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

THAT the City Manager is authorized to sign a Star Lighting Agreement by and between the City and the Autism Community Network of El Paso for the lighting of the Star on the Mountain during the month of April, 2012 for which the Autism Community Network of El Paso will pay an amount not to exceed \$12,100.00.
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3I.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso, for the provision of public health services by the City of El Paso for the County of El Paso, and related matters, for the period of September 1, 2011 through August 31, 2012.
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3J.

***RESOLUTION**

WHEREAS, the City of El Paso owns approximately 0.086 acres of property located at 410 Charles Road and described as Lots 10 and 11, Block E, Santa Fe Addition, El Paso, Texas, more fully identified in Exhibit "A", attached hereto and made a part hereof for all purposes; and

WHEREAS, parkland at 410 Charles Road would provide additional outdoor recreation opportunities for the citizens of El Paso; and

WHEREAS, the City staff recommends that the entire 0.086 acres of land identified in Exhibit "A" be dedicated as parkland and used to enhance Chihuahuita Park.

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

THAT the City of El Paso confirms the dedication of the approximately 0.086 acres of land identified in Exhibit "A" as parkland.

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3K.

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

A RESOLUTION APPROVING A TAX EXEMPTION APPLICATION FOR 1532 UPSON DRIVE, LOCATED IN THE CITY OF EL PASO, EL PASO, TEXAS, PURSUANT TO SECTION 3.04.035 AND TITLE 20.20 OF THE EL PASO CITY CODE.

WHEREAS, an Administrative Review application for the rehabilitation of the subject property was approved by staff on October 26, 2010;

WHEREAS, the property owner submitted a signed and sealed tax exemption application dated November 4, 2010;

WHEREAS, staff reviewed the application, the supporting documentation, and conducted a site visit to determine if the proposal was compliant with the application,

WHEREAS, staff has determined that the work is substantially compliant with the Administrative Review application and the Tax Exemption application,

WHEREAS, staff has determined that the property owner is eligible for an exemption of 40% to 49.99% of the assessed value of the property for a maximum of eight (8) years,

WHEREAS, the City Council finds that the Administrative Review application and the Tax Exemption application meet all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the subject property described as Lots 2 & 3, Block 7, Second Revised Map of Mundy Heights an addition to the City of El Paso, El Paso County, Texas, the City Council hereby approves the Tax Exemption and finds that the value of the improvements is equal to between 40% and 49.99% of the assessed value of the site prior to preservation, and therefore the subject property shall be exempt from payment of the City's portion of the assessed ad valorem taxes for a period of eight years beginning on January 1, 2012 and ending December 31, 2019.

Representative Byrd commented.

Ms. Lisa Turner, citizen, commented.

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3L.

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

A RESOLUTION NOMINATING PHELPS DODGE REFINING CORPORATION AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso (“City”) has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (“Act”), Phelps Dodge Refining Corporation has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism (“EDT”) through the Economic Development Bank (“Bank”) will consider Phelps Dodge Refining Corporation as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Phelps Dodge Refining Corporation meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Phelps Dodge Refining Corporation is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Phelps Dodge Refining Corporation as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Phelps Dodge Refining Corporation meets the criteria for tax relief and other incentives adopted by the City and nominates Phelps Dodge Refining Corporation for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Phelps Dodge Refining Corporation as an enterprise project pursuant to the Act.

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

1. That Phelps Dodge Refining Corporation is a “qualified business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDT to complete the nomination process.

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development commented.

Representatives Lilly and Acosta commented.

Ms. Lisa Turner, citizen, commented.

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ITEMS 3M THROUGH 3O TAKEN TOGETHER

3M.

***RESOLUTION**

A RESOLUTION NOMINATING TENET HOSPITALS LIMITED AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso (“City”) has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (“Act”), Tenet Hospitals Limited has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism (“EDT”) through the Economic Development Bank (“Bank”) will consider Tenet Hospitals Limited as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Tenet Hospitals Limited as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited for enterprise project status on the

grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited, to be known as the Providence Memorial Hospital Project, is a "qualified business" as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDT to complete the nomination process.

3N.

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

A RESOLUTION NOMINATING TENET HOSPITALS LIMITED AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Tenet Hospitals Limited has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDT") through the Economic Development Bank ("Bank") will consider Tenet Hospitals Limited as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Tenet Hospitals Limited as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited, to be known as the Sierra Medical Center Project, is a “qualified business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDT to complete the nomination process

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

A RESOLUTION NOMINATING TENET HOSPITALS LIMITED AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso (“City”) has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (“Act”), Tenet Hospitals Limited has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism (“EDT”) through the Economic Development Bank (“Bank”) will consider Tenet Hospitals Limited as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the city and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Tenet Hospitals Limited is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone and at least twenty-five percent (25%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of Tenet Hospitals Limited as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Tenet Hospitals Limited meets the criteria for tax relief and other incentives adopted by the City and nominates Tenet Hospitals Limited for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Tenet Hospitals Limited as an enterprise project pursuant to the Act.

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

1. That Tenet Hospitals Limited, to be known as the Sierra Providence East Medical Center Project, is a “qualified business” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documents required by EDT to complete the nomination process.

Representatives Robinson and Holguin commented.

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

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: Representatives Byrd and Holguin

ABSTAIN: Representative Noe

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3P.

RESOLUTION

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

That City Council hereby approves modifications to Exhibit B-1 (the detailed site development plan) in the Chapter 380 Economic Development Program Agreement (“Agreement”) by and between the City of El Paso and The Fountains at Farah, LP (f/k/a Hawkins Center, LP), successor-in interest to Hawkins Regency L.L.C. (“Applicant”) pursuant to the approval procedure contained in Section 3(a) of the Agreement, the approved revised Exhibit B-1 being attached to this Resolution.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

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

Representatives Acosta and Ortega commented.

Mr. Bill Addington, El Paso Sierra Club, commented.

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3Q.

***RESOLUTION**

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

1. That the El Paso City Council approves the grant acceptance from the Auto Burglary & Theft Prevention Authority (“ABTPA”) for the benefit of the El Paso Police department’s Auto Theft Task Force, also known as El Paso County Auto Burglary and Theft Prevention Task Force.
2. The City Manager be authorized to sign the grant documentation including all understandings and assurances contained therein, as well as alter or terminate the grant in the amount of ONE MILLION, ONE HUNDRED NINETY NINE THOUSAND, SIX HUNDRED THIRTEEN AND NO/100 DOLLARS (\$1,199,613.00) from the El Paso Police Department on behalf of its Auto Theft Task Force, to the ABTPA for the purpose of continuing the efforts of the El Paso Police Department’s against auto theft and related crimes the city of El Paso.
3. The City of El Paso agrees to provide a cash match in the amount of FOUR HUNDRED ELEVEN THOUSAND EIGHT HUNDRED THIRTY SIX AND 00/100 (\$411,836) and an in-kind match of ONE MILLION, FIVE HUNDRED TWENTY NINE THOUSAND, NINE HUNDRED SIXTY AND 00/100 DOLLARS (\$1,529,960).

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.

..... 3R.

RESOLUTION

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

That the City Manager be authorized to sign a Lease Agreement between the CITY OF EL PASO and MADISON RIVER INVESTMENTS, LLC for Suite 300 at the Wells Fargo Building, 221 N. Kansas Street.

Representatives Noe, Niland, and Acosta, commented.

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Deputy Director, Planning and Economic Development
- 3. Mr. Juan Sandoval, Tax Office

1ST MOTION

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

2ND AND FINAL MOTION

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

..... 3S.

***RESOLUTION**

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

That the City Council authorizes the City Manager to accept the donation of ONE HUNDRED AND FIFTY THOUSAND AND NO/100 DOLLARS (\$150,000.00) from the El Paso Zoological Society, for the purpose of funding and supporting the following improvements at the El Paso Zoo: the construction of a Giraffe Viewing Hut in the amount of ONE HUNDRED AND TWENTY THOUSAND AND NO/100 DOLLARS (\$120,000.00), and THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00) to purchase trees for landscaping. City Council also authorizes the City Manager to sign any necessary documentation required for this donation that does not affect the approved budget of the City of El Paso.

Representative Acosta commented.

Mr. Steve Marshall, Zoo Director, commented.

..... 4A.

BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Patrick Terrence Abeln to the Bi-National Advisory Committee by Mayor John F. Cook.

4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katherine Palafox to the Public Service Board Selection Committee by Representative Ann Morgan Lilly, District 1.

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5. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** to allocate the use of the following Districts Discretionary Funds in the following amounts listed below for the 10th Annual Holiday Posada/Street Fest Event to be held on December 16, 2011.

District 1: \$200
District 2: \$100
District 3: \$100
District 4: \$200
District 7: \$200
Total: \$800

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6A. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Sigma Solutions, Inc. a contractor under Department of Information Resources (DIR) Contract No. DIR-SDD-1385 (Networking Equipment), for Wi-Fi components, wireless access points, switches, along with SmartNet. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Departments: Aviation and Information Technology
Award to: Sigma Solutions, Inc.
San Antonio, TX
Annual Estimated Amount: \$29,765.80
Total Estimated Award: \$29,765.80
Account No.: 62620028 – 508027 – 41077 – PAP0037
Funding Source: Passenger Terminal M – Construction (CWIP)
Reference No.: 2012-089

This is a Cooperative, unit price contract.

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6B. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City Manager to execute an Interlocal Agreement by and between the City of El Paso, Texas and the Clint Independent School District, whereby both entities agree to combine their efforts, from time to time, for the purchase of goods and services.

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7. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2012-012 for the Parks Upgrade 2011 Playground Equipment and Swings, City wide, to Kaizen Construction Services, LLC for a total estimated amount of \$57,068.25.

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

Departments: Engineering and Construction Management and Parks and Recreation
Award to: Kaizen Construction Services, LLC
Base Bid I: \$17,580.50
Base Bid II: \$12,252.50
Base Bid III: \$13,989.
Base Bid IV: \$13,246.25
Total Estimated Completion: \$57,068.25
Funding Source: 2006 Certificates of Obligation

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer or Department of Parks and Recreation Director may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Parks and Recreation Department recommend award as indicated to the lowest responsible bidder.

Representatives Robinson and Noe commented.

Ms. Joyce Wilson, City Manager, commented.

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8A- 8E TAKEN TOGETHER

Motion made by Representative Robinson, seconded by Representative Acosta, 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:

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

- 8A.** An Ordinance amending Title 14 (Aircraft and Airports), Chapters 14.04 (General Provisions and Definitions) and 14.20 (Airport Vehicular Traffic Regulations), to amend sections thereunder to clarify the penalties under the title and provide that parking violations are civil violations; and to delete Section 14.20.250 (Meters); the penalty being as provided in Section 14.04.040, Sections 1.08.010 – 1.08.030, and Chapter 12.85 of the El Paso City Code.
- 8B.** An Ordinance amending Title 12 (Vehicles and Traffic) to amend various sections thereunder: to revise the provisions relating to granting parking enforcement authority under the Title; to properly reference state statutory and City Code provisions and the establishment of fees; to update the provisions relating to parking in special situations; to limit the fee exemption for disabled parking

when the time limit for parking is exceeded; to clarify the penalties for parking, standing and stopping violations in the City Code and clarify which provisions within Title 12 are penal violations; and to clarify the dates and times at which a parking ticket hearing can be requested; the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code.

8C. An Ordinance amending Title 5 (Business taxes, Licenses and Regulations) of the El Paso City Code, by repealing Title 5 in its entirety and adopting a new Title 5 in its place, the penalty being as provided in Chapter 1.08 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 6, 2011, FOR ITEMS 8A –8C

8D. An Ordinance changing the zoning of Tract 6, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

8E. An Ordinance changing the zoning of portions of Tract 1A1 and 3B5, Section 41, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-4 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 20, 2011, FOR ITEMS 8D – 8E

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9A AND 9B TAKEN TOGETHER

9A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Resolution authorizing the City Manager to sign a tax-exempt lease-purchase agreement with Compass Mortgage Corporation ("**Compass**") in a principal amount not to exceed \$5,025,000 to purchase, finance and lease certain equipment for the Fire Department of the City of El Paso. It is also requested that the City Manager of the City of El Paso be authorized to execute any and all necessary documents, including budget transfers, relating to this lease-purchase agreement, which are necessary to carry out the intent of this agreement.

9B. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Hall-Mark Fire Apparatus LLC, Daco Fire Equipment, Inc., and Siddons-Martin Emergency Group LLC, contractors under Houston-Galveston Area Council Cooperative (HGAC) Contract No. FS12-09, for emergency vehicles/apparatus. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Houston Galveston Area Council Cooperative (HGAC) was approved by Mayor and City Council on May 8, 2007.

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

NAYS: None

Department: Fire Department
Award to: Vendor 1: Hall-Mark Fire Apparatus LLC

Estimated Award: Van Alstyne, TX
 \$1,287,260.16 (3 Units)
 Award to: Vendor 2: Daco Fire Equipment, Inc.
 Lubbock, TX
 Estimated Award: \$638,548 (1 Unit)
 Award to: Vendor 3: Siddons-Martin Emergency Group LLC
 Houston, TX
 Estimated Award: \$1,879,310 (3 units)
 Total Estimated Award: \$3,805,118.16 (7 Units)
 Account No.: General Fund
 Funding Source: General Fund
 Reference No.: 2012-075

This is a Cooperative, unit price contract.

The cost is only an estimated minimum value. The actual cost may be higher or lower than the estimated minimum value, so long as increased funds are appropriated in the budget.

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

Mayor Cook and Representatives Robinson, Byrd, and Noe, commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Fire Chief Otto Drozd

Ms. Lisa Turner, citizen, commented.

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9C. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2011-309 (Towing of Motor Vehicles) to Sun City Towing & Recovery for an initial term estimated award of \$2,250,000.

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

Department: Police
 Award to: Sun City Towing & Recovery
 El Paso, TX
 Items: All
 Initial Term: 3 years
 Option: 2 years
 Annual Estimated Award: \$750,000
 Initial Term Estimated Award: \$2,250,000 (3 years)
 Total Estimated Award: \$3,750,000 (5 years)

Account No.: 21150064 – 504406 – 16413 – P500235
Funding Source: Abandoned Auto – Restricted Fund

This is a low bid, service contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Financial Services - Purchasing Division and Police Department recommend award as indicated to Sun City Towing & Recovery, the lowest responsive, responsible bidder.

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9D. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2011-310R (Operation and Maintenance of City of El Paso Police Department Municipal Vehicle Storage Facility) to Rod Robertson Enterprise, Inc to operate and manage the vehicle storage facility. This is a revenue generating contract.

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

Departments: Financial Services and Police Department
Award to: Rod Robertson Enterprises, Inc.
San Antonio, TX
Items: All
Initial Term: 3 Years
Options: Option 1: 2 Years
Option 2: 2 Years
Annual Projected Gross Revenues: \$1,810,262
Total Projected Gross Revenues: \$5,430,785 (3 years)
Account No.: Storage and Auction Revenues
Funding Source: Storage and Auction Revenues

This is a revenue generating contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

The Financial Services - Purchasing Division and Police Departments recommend award as indicated to Rod Robertson Enterprises, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

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

Mayor Cook and Representative Acosta and Robinson commented

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager

2. Mr. Bruce Collins, Purchasing Manager of Financial Services

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9E. FINANCIAL SERVICES

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **AWARD** Solicitation No. 2011-308R (Performance Management and Performance Based Budgeting Consultant) to Weidner, Inc. for a total estimated award of \$626,990.

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

Department: Office of Management and Budget
Award to: Weidner, Inc.
Austin, TX
Items: All
Annual Estimated Amounts: \$256,990 (1st year)
\$100,000 (2nd year)
\$100,000 (3rd year)
Option Year 1 \$ 70,000
Option Year 2 \$ 40,000
Option Year 3 \$ 30,000
Option Year 4 \$ 30,000
Total Estimated Award: \$626,990 (7 years)
Account No.: 99010273 – 502215 – 01101
Funding Source: General Fund -Outside Contracts

This is a Request for Proposal, service contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

The Financial Services - Purchasing Division and Office of Management and Budget recommend award as indicated to Weidner, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

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

Ms. Lynly Leeper, Office of Management and Budget Director, presented a PowerPoint presentation, (copy on file in City Clerk's office).

Ms. Joyce Wilson, City Manager, commented.

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10.

ORDINANCE 17677

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO CORRECT A CLERICAL ERROR IN ORDINANCE NO. 017018 APPROVED ON NOVEMBER 4, 2008, WHICH GRANTED A SPECIAL PERMIT TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 10A, 11A, 12A, AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Mathew McElroy, Deputy Director, Planning and Economic Development, commented.

Motion duly made by Representative Ortega, 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, 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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11.

ORDINANCE 17678

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 380 LINEAR FOOT SUBSURFACE HMAC TY C TEMPORARY WATER LINE WITHIN PORTIONS OF CITY RIGHT-OF-WAY BENEATH FLOWER DRIVE BETWEEN FRANCIS STREET AND MODESTO GOMEZ PARK AND A PORTION OF MODESTO GOMEZ PARK BETWEEN FLOWER DRIVE AND HIGHWAY LOOP 375 (CESAR CHAVEZ HIGHWAY) FOR A TERM OF FIVE YEARS WITH ONE RENEWABLE FIVE YEAR TERM.**

Ms. Mirian Spencer, Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta 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, 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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12.

ORDINANCE 17679

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE, SPECIAL WARRANTY DEED AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND JOBE MATERIALS, L.P., THE SOLE BIDDER, WHICH WILL ALLOW THE CITY TO CONVEY TO JOBE MATERIALS, L.P. LAND HELD IN TRUST BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD OF TRUSTEES TOTALING 10.14 ACRES OF LAND BEING A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO AT FRED WILSON AND MARSHALL ROADS.**

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Jim Shelton, El Paso Water Utilities, commented.

Ms. Lisa Turner, citizen, commented.

Mr. Bill Addington, El Paso Sierra Club, commented.

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, 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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13.

ORDINANCE 17680

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.130 (CHAPTER 33, EXPLOSIVES AND FIREWORKS, AMENDED) TO CHANGE THE EFFECTIVE DATE OF THE DISCONTINUANCE AND ABATEMENT OF ANY PRIOR VARIANCE OR EXCEPTION TO THE FIREWORKS BAN; THE PENALTY AS PROVIDED IN SECTION 9.52.030 OF THE EL PASO CITY CODE.**

Mayor Cook commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Robinson, seconded by Representative 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, 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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14A. MAYOR AND COUNCIL

Discussion and action on Economic Development policy and protocols for business retention. **(District 5)**

Representatives Noe, Niland and Lilly commented.

Ms. Joyce Wilson, City Manager, and Leila Melendez, City Manager's office, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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14B. MAYOR AND COUNCIL

**RESOLUTION RECOGNIZING THE PROBLEM OF WAGE THEFT IN
THE CITY OF EL PASO AND FOR THE PURSUIT OF NEW LAWS
TO PROTECT VICTIMS OF WAGE THEFT IN OUR COMMUNITY**

WHEREAS, a growing number of El Paso workers face an epidemic of nonpayment of wages by unscrupulous employers;

WHEREAS, hundreds of workers in the El Paso region have been victims of nonpayment of wages and/or minimum wage and overtime violations;

WHEREAS, a national study of day laborers found that at least half of those interviewed have not been paid at all by an employer at least once in the two months prior to the survey;

WHEREAS, a local study of low-income workers found that one in five low-wage workers in El Paso are not paid minimum wage

and one in eight low-wage workers have not been paid at all by an employer at least once in the two months prior to the survey;¹

WHEREAS, in another recent national survey, 26% of low-income workers had been victims of minimum wage violations in the week prior to the survey and 76% were victims of overtime violations;¹

WHEREAS, wage theft negatively affects our local, state, and federal tax revenue and takes money out of our local economy;

WHEREAS, businesses that do not pay their employees correctly and don't report their taxes adversely affect ethical businesses that abide by the law and makes for an uneven playing field in the marketplace;

WHEREAS, civil remedies such as the Texas Workforce Commission wage claim procedure, the United States Department of Labor, and private attorneys are often ineffective or unavailable for the majority of low-income workers in El Paso;

WHEREAS, an epidemic of wage theft is occurring in our community because of a lack of enforcement of wage laws;

NOW, THEREFORE, BE IT RESOLVED that the City of El Paso is committed to investigate and pursue a local ordinance or other legislation that will (1) provide a robust, effective, and fair civil mechanism to support local victims of wage theft; and (2) create consequences and penalties for community members who do not pay their workers their wage.

1ST MOTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Holguin to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE AS REVISED**, the Resolution to send issue to Governmental Affairs LRC and ask Legal to research the issue.

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

The following members of the public commented.

- 1. Ms. Irma Georgina Cruz
- 2. Mr. Marco Raposo
- 3. Ms. Aracely Pomero
- 4. Mr. John Ruiz
- 5. Mr. Chris Benoit
- 6. Ms. Shalim Thomas

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

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14C AND 15A - 15B TAKEN TOGETHER

14C. MAYOR AND COUNCIL

1ST MOTION

MOVE TO THE FOREFRONT before Consent.

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **DELETE** the item to name parcel located on 520B South Side Rd. Spc. Adrian Garcia Park.

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

15A.

RESOLUTION

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to name Southside Park located at 520 B Southside Road, City of El Paso, El Paso County Texas, as **SPC ADRIAN GARCIA PARK**.

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

THAT the park located at 520 B Southside Road, El Paso, Texas, shall henceforth be named and known as **SPC ADRIAN GARCIA PARK**; and,

THAT the applicant, City Representative Holguin (“Applicant”), shall incur the customary costs associated with the naming of a park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be acceptable to both the Parks and Recreation Department and Applicant. (District 6)

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

Representative Holguin and Amy Morales, presented a PowerPoint presentation, copy on file in City Clerk’s office.

SPC. Adrian Garcia, commented.

Ms. Nanette Smejkal. Director of Parks and Recreation presented a PowerPoint presentation (copy on file with the City Clerk’s office).

15B. PARKS AND RECREATION

R E S O L U T I O N

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to name the Loretto-Lincoln Park located at 4500 E. Yandell Drive, City of El Paso, El Paso County Texas, as **LIZ MORAYMA GONZALEZ PARK**.

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

THAT the park located at 4500 E. Yandell Drive, El Paso, Texas, shall henceforth be named and known as **LIZ MORAYMA GONZALEZ PARK**; and,

THAT the Peace, Love and Liz Committee (“Applicant”) shall incur the customary costs associated with the naming of a park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be acceptable to both the Parks and Recreation Department and Applicant. (District 2)

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

Ms. Nanette Smejkal. Director of Parks and Recreation presented a PowerPoint presentation (copy on file with the City Clerk’s office).

The following members of the public commented:

- 1. Mr. Aaron M. Montes,
- 2. Ms. Margarita Gonzalez

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ADD1: BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Melissa Ann Luna to the Park and Recreation Advisory Board by Representative Eddie Holguin.

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Motion made by Representative Robinson, seconded by Representative Ortega , and unanimously carried to **ADJOURN** this meeting at 1:31 pm.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk
