

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
DECEMBER 3, 2013
8:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Cortney Carlisle Niland, Larry Romero, Emma Acosta, Carl Robinson, Lilia Limón, and Ann Morgan Lilly. Late arrival: Eddie Holguin, Jr. at 8:23 a.m. Absent: Michiel R. Noe requested to be excused. 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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PLEDGE OF ALLEGIANCE

**MARION MANOR ELEMENTARY SCHOOL
HUGO PAGE
LOURDES PAGE**

MAYOR'S PROCLAMATIONS

- 1. PEDALING FOR JUSTICE DAY**
- 2. evolve FEDERAL CREDIT UNION CELEBRATION OF LIGHTS DAY**

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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 8:00 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. Wally Cech
2. Ms. Lisa Turner

Mayor Leeser and Representative Acosta commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, 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, Holguin, Limón and Niland

NAYS: None

ABSENT: Representative Noe

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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 19, 2013, the Legislative Review Meeting of the Whole of November 18, 2013, and the Special City Council Meeting of November 18, 2013 (Recruitment and Hiring of City Manager).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Michiel R. Noe from the Regular Council Meeting of December 3, 2013.

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3.

***RESOLUTION**

WHEREAS, The City of El Paso Parks and Recreation Department desires to host The Celebration of Lights Christmas Tree Lighting Ceremony and Holiday Lights Parade from 12:00pm to 10:00pm, Saturday, December 7, 2013 (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way; and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The City has permission to utilize portions of City rights-of-way for the Event; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit within El Paso, Texas; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, The State in recognition of the public purpose for the Events wishes to cooperate with the City, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12;

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

That the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas for the temporary closure and use of State owned portions of Mesa Street and Texas Avenue (SH20) during The City of El Paso Celebration of Lights Christmas Tree Lighting Ceremony and Holiday Lights Parade on Saturday, December 7, 2013 from 12:00pm to 10:00pm, an event scheduled to exceed four hours in length and found by the City to serve a public purpose.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Edith Brannon to the City Plan Commission by Representative Ann Morgan Lilly, District 1.

4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ismael F. Olivas to the Community Development Steering Committee by Representative Lily Limón, District 7.

5A. – 5C. INTRODUCTIONS

Motion made by Mayor Pro Tempore Niland, 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, AS REVISED** for public hearing:

ABSENT: Representative Noe

5A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.070 (Fences), of the El Paso City Code, to allow electrified fences adjacent to residential zones provided certain conditions are met, the penalty being as provided in Section 18.02.111 (Violations and Penalties) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 17, 2013, FOR ITEM 5A

5B. An Ordinance changing the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision, City of El Paso, El Paso County, Texas from PR-1/c (Planned Residential 1/Condition) to PR-II (Planned Residential 2); and releasing all conditions placed on the subject property by Ordinance No. 16586 which changed the zoning of Lots 1 to 22 and 24 to 27, Block 1, Boulder Canyon Subdivision. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject Property: East of Westwind and North of Belvidere. Property Owner: DVEP Land, LLC. PZRZ13-00007 & PZCR13-00007

5C. 1. An Ordinance amending conditions placed on the property by Ordinance No. 5029 which changed the zoning of a Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8250 North Loop. Property Owner: OPM Capital Management. PZCR13-00008

2. An Ordinance granting Special Permit No. PZST13-00023 to allow for infill development with a reduced rear setback on the property described as a Portion of Tract 4A, N/K/A Tract 4A5, Block 12, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8250 North Loop. Property Owner: OPM Capital Management. PZST13-00023

PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2014, FOR ITEMS 5B – 5C

6.

ORDINANCE 18099

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE BY ADDING A NEW CHAPTER, 12.77 (GOLF CARTS FOR**

HOLIDAY PARCEL DELIVERY) AUTHORIZING THE LIMITED OPERATION OF GOLF CARTS ON PUBLIC STREETS DURING THE WINTER HOLIDAY SEASON AND PROVIDING FOR A PENALTY AS PROVIDED IN SECTION 12.77.040 (OFFENSE) OF THE EL PASO CITY CODE.

Mayor Leeser and Representatives Robinson, Limon, Niland, and Acosta commented.

The following City staff members commented:

- 1. Assistant Police Chief Michelle Gardner
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Victor Kilby, (UPS) United Parcel Service, local business manager
- 2. Ms. Lisa Turner

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

2ND MOTION

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Romero, that the Ordinance be **ADOPTED, AS REVISED**. 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, Romero, Acosta, Holguin, Limón and Niland
- NAYS: Representative Robinson
- ABSENT: Representative Noe

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

3RD MOTION

Motion made by Representative Robinson, seconded by Representative Limón, to **AMEND** the Ordinance to limit authorized operating hours to daylight hours. **THE MOTION FAILED**.

- AYES: Representatives Robinson, Holguin and Limón
- NAYS: Representatives Lilly, Romero, Acosta and Niland
- ABSENT: Representative Noe

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ITEMS TAKEN TOGETHER

7. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST13-00008, to allow for infill development with a 50 percent parking reduction on the property described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El

Paso City Code. Subject Property: 5000 Riley. Property Owner: RNR Properties.be ADOPTED. PZST13-00008

8A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item to waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 5000 Riley, legally described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

8B. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to execute a Tax Abatement Agreement between the City of El Paso and RNR Properties, a Texas general partnership, pursuant to the City's Infill Development Incentive Policy, for the construction of an apartment complex at 5000 Riley Ct., El Paso, Texas.

8C. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and RNR Properties, a Texas general partnership, pursuant to the City's Infill Development Incentive Policy for the construction of an apartment complex at 5000 Riley Ct., El Paso, Texas.

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ITEMS TAKEN TOGETHER

9A.

R E S O L U T I O N

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

That the Mayor be authorized to sign the "Section 560" Reimbursable Fee Agreement and the Annex to the "Section 560" Reimbursable Fee Agreement between the City of El Paso and the U.S. Customs and Border Protection ("CBP") whereby the City will reimburse CBP for overtime provided by CBP officers to reduce wait times at the City ports of entry for a reimbursement amount not to exceed \$2.5 million for additional CBP staffing hours to reduce wait times at the City's ports of entry (PDN and Ysleta).

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

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

NAYS: Representatives Robinson and Holguin

ABSENT: Representative Noe

9B.

R E S O L U T I O N

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO

FY 2014 BUDGET RESOLUTION

WHEREAS, Title 12 of the City Code authorizes the international bridge tolls that shall apply to southbound traffic; and

WHEREAS, the City Council adopted the Budget Resolution for FY 2014 (“FY 2014 Budget Resolution”) on August 20, 2013; and

WHEREAS, paragraph 61 of the FY 2014 Budget Resolution authorizes a \$0.50 increase to international bridge fees for passenger and commercial vehicles heading southbound upon the acceptance of a formal agreement with CBP for the provision of CBP services; and

WHEREAS, the City Council authorized the Mayor to sign a “Section 560” Reimbursable Fee Agreement and Annex to the “Section 560” Reimbursable Fee Agreement between the City and U.S. Customs and Border Protection (CBP) whereby the City will reimburse CBP for overtime provided by CBP officers to reduce wait times at the City ports of entry; and

WHEREAS, the City Council desires to revise the amounts charged for international bridge fees for passenger and commercial vehicles heading southbound as authorized in Title 12 of the City Code and contained in lines 258 – 262 of Schedule C.

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

That Schedule C, attached to the FY 2014 Budget Resolution shall be amended, effective January 26, 2014, as set forth in Attachment A, to revise the amounts of fees for passenger and commercial vehicles heading southbound as authorized by Title 12 of the City Code relating to tolls for international bridges.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **APPROVE** the Resolution with an additional requirement for City staff to **REPORT** to City Council quarterly on the effectiveness of the program.

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

NAYS: Representatives Robinson and Holguin

ABSENT: Representative Noe

Ms. Jane Shang, Deputy City Manager, Transportation and Public Works presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Leeser and Representatives Niland, Limon, Acosta, Robinson, and Holguin commented.

The following City staff members commented:

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

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Salvador Gomez

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10A. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **DIRECT** the City Manager to expand the Blue Parking Permit Program in Sunset Heights.

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

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10B. MAYOR AND COUNCIL

Motion made by Representative Limón, seconded by Representative Romero, and unanimously carried to **APPROVE** the termination of Real Estate Management Services Contract 2012-121R by and between the City of El Paso and TVO North America.

Mayor Leeser and Representatives Robinson, Limón, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

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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 10:08 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.

ABSENT: Representative Noe

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to adjourn the Executive Session at 10:52 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Noe

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EX1. Disposition of City owned real property. (551.071 and 551.072)

NO ACTION taken on this item.

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Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **ADJOURN** this meeting at 10:52 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk