

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
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 29, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor Pro Tempore Lilly present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Mayor Cook at 9:02 a.m., Eddie Holguin, Jr. at 8:41 a.m., Carl Robinson at 8:53 a.m., and Michiel R. Noe at 9:07 a.m. 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.

MAYOR'S PROCLAMATIONS

1. **SPICE IS NOT NICE MONTH**
2. **20TH ANNUAL BEEMS CONFERENCE**
BEEMS 20TH ANNIVERSARY: FACES OF SUCCESS

RECOGNITIONS

CITY EMPLOYEES

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. Ms. Sylvia Bach – 25 years
2. Fire Battalion Chief Keith R. Burch – 25 years
3. Fire Battalion Ricci James Carson – 25 years
4. Fire Paramedic Jose L. Cavazos – 25 years
5. Fire Suppression Technician Richard Albert Flores – 25 years
6. Fire Lieutenant Eduardo Rodela – 25 years
7. Police Detective Rogelio Flores – 25 years
8. Fire Assistant Chief Carlos Carmona – 30 years
9. Fire Lieutenant Cesar Gonzalez – 30 years
10. Fire Suppression Technician Michael D. Ortiz – 30 years
11. Ms. Isabel Hernandez – 35 years
12. Police Assistant Chief Jerome Johnson – 35 years

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. Othon Medina
2. Ms. Wally Cech
3. Mr. Rick Seeberger
4. Mr. Ramon Mendoza
5. Mr. John Vandeven
6. Ms. Lisa Turner
7. Mr. James Perry

Mayor Cook and Representative Byrd commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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 January 22, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, Roseworks Entertainment Inc. (hereinafter referred to as "Grantee") is sponsoring The Union Plaza Mardi Gras Block Party, from Tuesday, February 12, 2013 through Wednesday, February 13, 2013 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on San Antonio Avenue, Western Street and the adjacent alley between Durango Street and Anthony Street from 2:00 pm Tuesday, February 12, 2013 to 3:00 am Wednesday, February 13, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and service of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the City Event.

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

That the sale and service of alcoholic beverages by Roseworks Entertainment Inc. is a permissible activity in the closed portions of City rights-of-way on San Antonio Avenue, Western Street and the adjacent alley between Durango Street and Anthony Street from 7:00 pm Tuesday, February 12, 2013 to 2:00 am Wednesday, February 13, 2013, in conjunction with The Union Plaza Mardi Gras Block Party.

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3B.

RESOLUTION

WHEREAS, Hard Liquors, LLC (hereinafter referred to as "Grantee") is sponsoring Bourbon Street on Cincinnati Street, from Tuesday, February 12, 2013 through Wednesday, February 13, 2013 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has authorized EP Silverspoon, LLC, doing business as Everyday Gyro and Ardovino's Wine Gourmet and Gifts, Inc. (hereinafter referred as "Licensees") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the adjacent alley between Stanton Street and Mesa Street from 2:00 am Tuesday, February 12, 2013 to 8:00 am Wednesday, February 13, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee and Licensees desire to provide for the sale and service of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

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

That the sale and service of alcoholic beverages by Hard Liquors, LLC, EP Silverspoon, LLC doing business as Everyday Gyro and Ardovino's Wine Gourmet and Gifts in the closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the adjacent alley between Stanton Street and Mesa Street from 12:00 pm Tuesday, February 12, 2013 to 2:00 am Wednesday, February 13, 2013, is a permissible activity in conjunction with Bourbon Street on Cincinnati Street.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Lilly commented.

Mr. Karl Rimkus, Environmental Services, Code Compliance Manager, commented.

The following members of the public commented:

1. Ms. Anne M. Giangiulio
2. Mr. Keith H. Pannell

1ST MOTION

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

2ND AND FINAL MOTION

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

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3C.

RESOLUTION

That the City Manager or designee be authorized to sign an agreement between the Paso del Norte Health Foundation and the City of El Paso for the City to contribute an amount not to exceed EIGHTY THOUSAND AND NO/100 (\$80,000) over a three-year term for the development, maintenance and implementation of a health status dashboard.

Mr. Bruce Parsons, Interim Director for Public Health, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta and Noe commented.

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 unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Robinson

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4. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Kay Mooy to the Retired Senior Volunteer Program (RSVP) Advisory Council by Representative Steve Ortega, District 7.

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5A. – 5H. INTRODUCTIONS

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 5A.** An Ordinance amending Ordinance 017886 which amended Title 12 (Vehicles and Traffic) Chapter 12.32 (Pedestrians) of the El Paso City Code by repealing Section 12.32.060 (Soliciting Rides or Business - Prohibitions) and adopted a new Section 12.32.063 (Solicitation Prohibitions), to prohibit the aggressive solicitation of money or other services while at or near certain areas, and creating an offense; the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code, by amending Section 12.32.063(b)(1)(b)(v) to delete "Parking Meter".

- 5B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally) of the El Paso City Code, to add Section 12.44.290 (Restrictions On Parking in Downtown Parking Districts) to provide for the creation of downtown parking districts, issuance and revocation of temporary new resident and downtown parking permits and authorizing fees; the penalty being as provided in Chapters 12.84 (Violation – Penalty) and 12.85 (Parking Violations) of the El Paso City Code.
- 5C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Schedule VI-Parking Time Limited on Certain Streets) to add Alameda Avenue between Buena Vista Drive and Delta Drive, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code.
- 5D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.210 (Schedule XVIII - Restrictions on Commercial Vehicle Parking on Residential Streets) to delete San Antonio Avenue and Ochoa Street, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code. **(District 8)**
[Department of Transportation, Keith Bennett, (915) 621-6882]
- 5E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) to add Roseway Drive and Barker Road, the penalty being as provided in Section 12.84.010 and Chapter 12.85 of the El Paso City Code.
- 5F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Sections 12.44.180 (Regulations Pertaining to Certain Special Situations) and 12.44.200 (Disabled Parking on Private Property), to add a new offense for blocking an architectural improvement designed to aid persons with disabilities, the penalty as provided in Section 12.84.010 of the El Paso City Code.
- 5G. An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying 15.0073 acres, described as a Portion of Section 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located north of U.S. 54 and near the northwest corner of Marcus Uribe and Robert Lennox Drive in northeast El Paso and to execute a Contract of Sale, and any other documents necessary to complete the sale, to the El Paso Independent School District. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system.
- 5H. An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey 50.7072 acres more or less, described as a Portion of Section 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas located in the northeast corner of Sean Haggerty and Loma Real Avenue and authorizing the City Manager to execute a Contract of Sale, and any other documents necessary to complete the sale, to the El Paso Independent School District. The El Paso Water Utilities Public Service Board has declared the land inexpedient to the system.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 5, 2013, FOR ITEMS 5A – 5H

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5I. INTRODUCTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED AS REVISED**, for public hearing:

5I. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions And Definitions), Chapter 20.18 (Sign Regulations) Article I (General Provisions), Article II (Administration), Article III (Billboard Regulations), and Article IV (On-Premises Sign Regulations), Chapter 20.22, (Nonconforming Situations), of the El Paso City Code to exclude from the Provisions of Chapter 20.18, All Bus Bench Advertising Authorized through the City's Franchise Agreement, to add a Definition for Superregional Shopping Centers, to establish Standards for Superregional Shopping Center Changeable Electronic Variable Message (CEVM) Signs, to allow and establish Standards for CEVM Billboard Displays; to amend the Permitting and Registration Requirements for Billboards; and to establish an Exchange Rate for the Conversion of Static Billboards to CEVM Billboards and to clarify the maintenance allowed on Nonconforming Signs. The penalty is as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 19, 2013, FOR ITEM 5I

Mayor Cook commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

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6A. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** to February 11, 2013 the award of Solicitation No. 2013-081 for Roadway Pavement Striping 2013 to Roadsafe Traffic Systems, Inc., for an estimated total amount of \$555,030.

Department:	Engineering & Construction Management
Award to:	Roadsafe Traffic Systems, Inc. Phoenix, AZ
Base Bid:	\$555,030
Total Estimated Award:	\$555,030
Time for Completion:	365 Consecutive Calendar Days
Accounts:	532-32160-4351-522270
Funding Source:	Red light camera funds & other capital sources

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 the Department of Transportation 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

ITEMS TAKEN TOGETHER 6B – 6D

6B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2012-241 for Safe Route to School Project No. 1 to G.U.Y Construction, L.L.C., for an estimated total amount of \$1,870,766.72.

NOT PRESENT FOR THE VOTE: Representative Lilly

Department:	Engineering & Construction Management
Award to:	G.U.Y Construction, L.L.C. Avondale, AZ
Base Bid I:	\$ 423,241.10
Base Bid II:	\$ 383,324.35
Base Bid III:	\$ 405,167.11
Option 1:	\$ 68,720.05
Option 2:	\$ 46,441.35
Option 3:	\$ 48,089.25
Option 4:	\$ 74,480.25
Option 5:	\$ 68,931.05
Option 6:	\$ 47,169.10
Option 7:	\$ 69,113.81
Option 8:	\$ 93,113.00
Option 9:	\$ 80,610.50
Option 10:	\$ <u>62,365.80</u>
Total Estimated Award:	\$1,870,766.72
Time for Completion:	300 Consecutive Calendar Days
Accounts:	190-38280-4950-580270-PCP12SRTS090 190-38280-4950-580270-PCP12SRTS080 190-38280-4950-580270-PCP12SRTS060
Funding Source:	TxDOT CSJ # 0924-06-398; 0924-06-399; 0924-06-401

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 the Department of Transportation 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder, G.U.Y Construction, L.L.C. (2nd lowest bidder), and recommend that Tri-State Electric, Ltd., (the lowest bidder) be deemed non-responsive.

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

6C. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2012-242 for Safe Route to School - Project No. 2 to Tri State Electric, Ltd. for a total award of \$1,416,136.04.

NOT PRESENT FOR THE VOTE: Representative Lilly

Department:	Engineering and Construction Management
Award to:	Tri State Electric, Ltd. Vinton, TX
Base Bid I:	\$ 493,732.06
Base Bid II:	\$ 463,675.68
Base Bid III:	\$ 177,093.80
Option 1:	\$ 68,147.50
Option 2:	\$ 55,668.00
Option 3:	\$ 100,167.50
Option 4:	\$ 57,651.50
Total Estimated Award:	\$ 1,416,136.04
Time for Completion:	300 Consecutive Calendar Days
Account:	190-38230-4950-580270-PCP12SRTS050 190-38230-4950-580270-PCP12SRTS040 190-38230-4950-580270-PCP12SRTS020
Funding Source:	TXDOT CSJ# 0924-06-402, CSJ# 0924-06-403, CSJ #0924-06-405

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 the Department of Transportation 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

6D. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2012-243 for Safe Route to School – Project No. 3 to Tri State Electric, Ltd., for an estimated total amount of \$1,873,936.

NOT PRESENT FOR THE VOTE: Representative Lilly

Department:	Engineering & Construction Management
Award to:	Tri State Electric, Ltd. Vinton, TX

Base Bid I:	\$ 432,310.00
Base Bid II:	\$ 528,591.50
Base Bid III:	\$ 508,084.50
Option 1:	\$ 85,157.00
Option 2:	\$ 39,931.00
Option 3:	\$ 137,335.00
Option 4:	\$ 81,196.50
Option 5:	\$ 61,330.50
Total Estimated Award:	\$1,873,936.00
Time for Completion:	320 Consecutive Calendar Days
Accounts:	190-38230-4950-580270-PCP12SRTS010 190-38230-4950-580270-PCP12SRTS030 190-38280-4950-580270-PCP12SRTS070
Funding Source:	TXDOT CSJ # 0924-06-397, 0924-06-400, 0924-06-404

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

Work under this unit price contract is only estimated value and will be ordered, performed, invoiced, and paid by measure 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 the Department of Transportation 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 & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

7A.

RESOLUTION

WHEREAS, on May 3, 2011, the City authorized the issuance of a purchase order to ESI Companies, Inc., a U.S. General Services Administration (GSA) Federal contractor under GSA Contract GS-07F-0185U; and

WHEREAS, pursuant to Section 7A of the City's Purchase Order Terms and Conditions (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for Convenience.

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

That the Purchasing Manager is authorized to notify ESI Companies, Inc. that the City is terminating its contractual relationship under GSA Contract GS-07F-0185, pursuant Section 7A of the City's Purchase Order Terms and Conditions, and that the termination shall be effective as of January 8, 2013.

Representative Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager

3. Mr. Miguel Gamino, Director of Information Technology

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

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7B. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Technical & Scientific Application, Inc. a contractor under the Department of Information Resources (DIR), Contract #DIR-SDD-1364 for the purchase of EVA storage hardware for the Hewlett-Packard Performance Optimization Datacenter (POD). 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) Cooperative approved by Mayor and City Council on February 27, 2007.

Department:	Information Technology
Award to:	Technical & Scientific Application, Inc. Houston, Texas
Total Estimated Award:	\$598,900
Account No.:	190-28310-5580100-4970
Funding Source:	IT Capital Funds
Reference No.:	2013-134

This is a Cooperative, unit price contract.

Mayor Cook and Representative Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Mr. Miguel Gamino, Director of Information Technology

Mr. Othon Medina, citizen, commented.

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8A.

ORDINANCE 17931

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF BLOCKS 88, 89, 116, 117, 118, 119, 123, 124, 125, A PORTION OF BLOCK 154 AND VACATED PORTIONS OF EL PASO STREET, LOS ANGELES STREET, RANDOLPH DRIVE, HAGUE ROAD, BLACKER AVENUE, AND BLANCHARD AVENUE, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 2001 N. OREGON. PROPERTY OWNER: TENET HOSPITALS LIMITED DBA PROVIDENCE MEMORIAL HOSPITAL. PZRZ12-00034**

Motion duly made by Mayor Pro Tempore Lilly, 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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8B.

ORDINANCE 17932

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: PORTION OF LOT 1, BLOCK 11, LOMAS DEL REY, SECOND REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND, PARCEL 2: PORTION OF LOT 1, BLOCK 11, LOMAS DEL REY, SECOND REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 109 ARGONAUT. PROPERTY OWNER: OSRO HOLDINGS LLC, A TEXAS LIMITED LIABILITY COMPANY. PZRZ12-00033**

Mayor Cook commented.

Motion duly made by Mayor Pro Tempore Lilly, 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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8C.

ORDINANCE 17933

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00020, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA AND REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS LOT 5, BLOCK 12, REVISED MAP OF SAHARA SUBDIVISION, 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: 5616 BAGDAD AVENUE. PROPERTY OWNER: JOSE AND MARGARITA GUTIERREZ. PZST12-00020**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Robinson commented.

Mr. Jose Gutierrez, property owner, 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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8D. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance repealing Ordinance 010917 that exempts non-contributing properties in the Downtown Historic District from complying with design guidelines, and amending Title 20 (zoning), Chapter 20.20 (Historic Landmark Preservation), Section 20.20.080 (Alterations and Changes to Landmarks and H-Overlay properties) of the El Paso City Code to require that a certificate of appropriateness or certificate of demolition be approved prior to construction, alterations, changes, removal, or demolition to all properties with an H-overlay, including those within the Downtown Historic District.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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8E.

ORDINANCE 17934

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY KNOWN AS BEING ALL OF LOTS 1 AND 15, SAVE AND EXCEPT TWO PORTIONS THEREOF, BLOCK 3, AND LOTS 2 THROUGH 14, BLOCK 3, WFF INDUSTRIAL PARK UNIT ONE REPLAT "A", 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. SUBJECT PROPERTY: EAST OF RAILROAD DRIVE AND SOUTH OF FARAH DRIVE. PROPERTY OWNER: DBB HOLDINGS, INC. PZRZ12-00027**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Conrad Conde, representing applicant, commented.

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

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

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8F.

ORDINANCE 17935

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO CHICO'S TACOS INC. PERMITTING THE ENCROACHMENT ONTO A PORTION OF AN ALLEY ADJACENT TO BLOCK 2, TOBIN'S WASHINGTON PARK ADDITION, EL PASO, EL PASO COUNTY, TEXAS, MORE COMMONLY KNOWN AS 4230 ALAMEDA AVENUE, TO ALLOW PARKING, SIGNAGE, LANDSCAPING, VEHICULAR AND PEDESTRIAN TRAFFIC. (NESV13-00001)**

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, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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

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8G.

ORDINANCE 17936

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF 9.5' ALLEY ADJACENT TO LOTS 4 AND 5, BLOCK, 1, MAP OF ORCHARD ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS SURW12-00005**

Representative Niland commented.

Mr. Othon Medina, citizen, commented.

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

AYES: Representatives Lilly, Acosta, Robinson, Noe, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Byrd and Holguin

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

9.

ORDINANCE 17937

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND SALOMON & MARTHA DELGADO WHICH WILL ALLOW THE CITY TO CONVEY LOT 19, BLOCK 130, TIERRA DEL ESTE #31, CITY OF EL PASO, EL PASO COUNTY, TEXAS, 79938, EL PASO, EL PASO COUNTY TO SALOMON & MARTHA DELGADO.**

Representative Noe commented.

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

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd and Holguin

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

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10.

ORDINANCE 17938

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED TO CONVEY 5.01 ACRES MORE OR LESS, OF CITY LAND UNDER THE JURISDICTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TO THE EL PASO ELECTRIC COMPANY, WHICH LAND IS DESCRIBED AS A PORTION OF THE WEST HALF OF SECTION 14, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS LOCATED NEAR LOMA REAL AVENUE AND MARTIN LUTHER KING BLVD. IN NORTHEAST EL PASO, EL PASO COUNTY, TEXAS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE, SPECIAL WARRANTY DEED, AND ANY OTHER DOCUMENTS NECESSARY, TO COMPLETE THE CONVEYANCE, TO THE EL PASO ELECTRIC COMPANY. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM.**

Ms. Lupe Cuellar, Land Manager and Counsel for El Paso Water Utilities, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representative Robinson 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**.

11.

RESOLUTION

WHEREAS, City staff has identified 1.876 acres of land situated within the limits of Tom Lea Park, for a lease including this portion of parkland to the El Paso Independent School District ("EPISD") for existing parking lot and school related buildings, a description of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, City staff has recommended the use of the 1.876 acres for the lease to EPISD in order to correct an existing encroachment; and

WHEREAS, the City has given notice to the public by publishing a notice once a week for three consecutive weeks in a newspaper of general circulation as required in the Texas Parks & Wildlife Code Section 26.002; and

WHEREAS, City Council determines that the proposed use of Tom Lea Park includes all reasonable planning to minimize harm to the land as a park resulting from the use.

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

1. That the El Paso City Council approves the use of a 1.876 acre portion of Tom Lea Park for the lease to EPISD for the existing parking lot and school related buildings; and
2. That, related to lease and in accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council determines there is no feasible and prudent alternative to the use of the Tom Lea Park acreage, and that the proposed includes all reasonable planning to minimize harm to the land as a park resulting from the use.

Representative Lilly commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

12A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week **AS REVISED**, the item on a request from Georges Halloul, on behalf of River Oaks Properties, LTD for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school and a day care for the property located south of Zaragoza and east of Tierra Este and legally described as Lot 1, Block 101, Tierra Del Este Unit 21, City of El Paso, El Paso County, Texas.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

12B. CITY DEVELOPMENT

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried to **INITIATE** the rezoning process to downzone land located north of Transmountain Drive, west of the Franklin Mountain State Park and east of I-10, and managed by the El Paso Water Utilities-Public Service

Board classified as O-2 (Natural) and O-5 (Remote) on the Future Land Use Map from its current zoning to URD (Urban Reserve District).

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

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13A.

RESOLUTION

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

That the City Manager be authorized to sign a Government Entity Tower License Agreement between the Pinnacle Towers, LLC, and the City of El Paso for antenna, shelter and/or antenna space, including any antennas, cables connectors, wires, radios, radio shelter or cabinet and related transmission and reception hardware and software and other personal property necessary to carry out City's microwave communications system located a portion of E.D. Strong Survey 221 and of E.D. Strong Survey 222, City of El Paso, El Paso County, Texas more commonly known as Ranger Peak on the top of Franklin Mountains, for an initial term of five (5) years with an option to extend for additional five-year terms, at cost to the City of \$3,600 per annum for rent with a 3% annual increase and additional fees and operating costs, as set forth in the License.

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

NOT PRESENT FOR THE VOTE: Representative Niland

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13B.

RESOLUTION

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

That the City Manager be authorized to sign a Government Entity Tower License Agreement between the Pinnacle Towers, LLC, and the City of El Paso for antenna, shelter and/or antenna space, including any antennas, cables connectors, wires, radios, radio shelter or cabinet and related transmission and reception hardware and software and other personal property necessary to carry out City's Public Safety P-25 communications system located a portion of E.D. Strong Survey 221 and of E.D. Strong Survey 222, City of El Paso, El Paso County, Texas more commonly known as Ranger Peak on the top of Franklin Mountains, for an initial term of five (5) years with an option to extend for additional five-year terms, at cost to the City of \$900.00 per month for rent with a 3% annual increase and additional fees and operating costs, as set forth in the License.

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

NOT PRESENT FOR THE VOTE: Representative Niland

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14.

RESOLUTION

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

That the City Manager be authorized to sign a Lease of Property by and between the City of El Paso and Union Pacific Railroad Company for approximately 43,800 square feet on Mills St., between N. Ochoa St. and N. Virginia St., El Paso, Texas, the property to be used primarily for City employee/visitor parking.

Mr. John Neal, Special Projects, City Manager's Office, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Othon Medina, citizen, commented.

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

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15A. MAYOR AND COUNCIL

Discussion on the effects of Spice.

Mayor Cook and Representatives Holguin, Robinson, Byrd, and Lilly commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Diana Apodaca, Drug Enforcement Agency
2. Ms. Ruth M. Rivas
3. Mr. Gilbert Gonzalez
4. Mr. Fernando Sifuentes
5. Ms. Estrella Ramirez

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

NO ACTION, other than the above procedural Motion, was taken on the item.

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15B. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to develop standards for directional signage for home sales in new subdivisions, to include permit fees, kiosk construction/maintenance, etc.

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

NAYS: None

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

Representative Robinson commented.

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15C. MAYOR AND COUNCIL

Motion made by Representative Noe, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to look at all available options and **COME BACK** to City Council with the pros and cons for each site.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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

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

Ms. Joyce Wilson, City Manager, commented.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:13 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representative Ortega

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 1:00 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Ortega

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EX1. Discussion and action regarding issues related to matters involving the demolition of City Hall, the construction of the new ballpark stadium, the initiative petitions and related litigation. (551.071)

Mayor Cook commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Othon Medina, citizen, commented.

NO ACTION was taken on this item.

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EX2. City of Socorro, Texas proposed annexation (551.071)

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **DELETE** the item regarding City of Socorro, Texas proposed annexation (551.071)

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

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ADDITION TO THE AGENDA

ADDEX1. Alfredo Chavarria vs. City of El Paso, Cause No. 2012DCV-05878 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority, to negotiate settlement agreement and sign all settlement documents to resolve the lawsuit styled Alfredo Chavarria vs. The City of El Paso; Cause No. 2012DCV-05878.

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

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Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **ADJOURN** this meeting at 1:04 p.m.

NOT PRESENT FOR THE VOTE: Representative Ortega

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APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk