

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  
FEBRUARY 18, 2014  
8:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Carl Robinson, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Eddie Holguin, Jr. at 8:05 a.m. and Michiel R. Noe at 8:36 a.m. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

**PLEDGE OF ALLEGIANCE**

**Vista Hills Elementary School**

Lauryn Brown  
Brock Burford  
Sunshine Collins  
Nicole Colmenero  
Joseph Frausto  
Aliyah Govea  
Ezra Lane  
Andy Maymi  
Allie Perez  
Jezziah (Jazz) Robinson

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 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. Mr. Raymond N. Diaz
2. Mr. William Markwell
3. Ms. Wally Cech
4. Ms. Lisa Turner

5. Mr. Jorge Artalejo

Mayor Leeser and Representative Limon commented.

Ms. Joyce Wilson, City Manager, commented.

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

NOT PRESENT FOR THE VOTE: Representative Noe

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**MAYOR'S PROCLAMATIONS**

- 1. **CELEBRATING UTEP'S CENTENNIAL DAY**
- 2. **NATIONAL CRITICAL CARE TRANSPORT TEAM DAY**
- 3. **NATIONAL GIRLS AND WOMEN IN SPORTS WEEK**

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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, Noe, Holguin, Limón, and Niland

NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 11, 2014, and the Legislative Review Meeting of the Whole of February 10, 2014.

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

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

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**3.1**

**\*RESOLUTION**

**WHEREAS**, the city council of the city of El Paso ("City") passed Ordinance No. 017116 on May 26, 2009, authorizing the City 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"), Dal-Tile Corporation has applied to the City for designation as an enterprise zone project; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Dal-Tile 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 Dal-Tile Corporation meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Dal-Tile 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 outside of an enterprise zone and at least thirty-five percent (35%) 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 Dal-Tile 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 Dal-Tile Corporation meets the criteria for tax relief and other incentives adopted by the City and nominates Dal-Tile 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 Dal-Tile 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 Dal-Tile 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 EDC to complete the nomination process.

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**3.2 ENGINEERING AND CONSTRUCTION MANAGEMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** a Resolution delegating authority to the City Engineer to sign real estate documents in connection with capital projects, construction easements or rights of entry, purchase orders and other items specified in the Resolution.

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**4.1 BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Karl Kevin Glancey to the City Accessibility Advisory Committee by Representative Lilly Limon, District 7.

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**4.2 BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Robert G. Fierro to the Ethics Review Commission by City Representative Lily Limón, District 7.  
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### 4.3 BOARD APPOINTMENT

\*Motion made, seconded, and unanimously carried to **APPOINT** Theresa A. Ware-Asbury to the Ethics Review Commission by City Representative Ann Morgan Lilly, District 1.

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### ITEMS TAKEN TOGETHER

#### 5.1 CITY DEVELOPMENT

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing to consider amendments to the March 24, 2009 adopted Land Use Assumptions and Capital Improvements Plan under which the current water and wastewater impact fees were imposed. Any member of the public has a right to appear at the hearing and present evidence for or against the amendments to the March 24, 2009 adopted Land Use Assumptions and Capital Improvements Plan.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Balliew, El Paso Water Utilities, President & CEO

The following members of the public commented:

1. Mr. Rick Giardina, Executive Vice President, Raftelis
2. Mr. Richard Dayoub
3. Ms. Lisa Turner
4. Mr. Ray Aauto

#### 5.2

### RESOLUTION

**WHEREAS**, Chapter 395 (Impact Fee Statute) of the Texas Local Government Code provides for the establishment and collection of impact fees; and

**WHEREAS**, on March 24, 2009, in accordance with the Impact Fee Statute, the City of El Paso adopted the land use assumptions and capital improvements plan under which an impact fee was imposed; and

**WHEREAS**, on May 12, 2009, in accordance with the Impact Fee Statute, the City of El Paso adopted impact fees for water and wastewater facilities; and

**WHEREAS**, Texas Local Government Code Section 395.052 states that a political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years; and

**WHEREAS**, the City of El Paso is a political subdivision that imposes water and wastewater impact fees in accordance with the Impact Fee Statute; and

**WHEREAS**, as a part of the process of modifying an impact fee under Texas Local Government Code, Chapter 395, the City Council must hold a public hearing to discuss and review the update of the land use assumptions and capital improvements plan and determine whether to amend the plan; and

**WHEREAS**, in accordance with Texas Local Government Code Section 395.055, the City provided notice of the hearing and the published notice of said hearing; and

**WHEREAS**, the proposed amendments to the land use assumptions, capital improvements plan, and impact fee were provided to the Capital Improvements Advisory Committee, and the Committee reviewed the documents and provided comments to the proposed amendments before the fifth business day before the public hearing on the amendments; and

**WHEREAS**, prior to holding the public hearing, the land use assumptions and capital improvements plan, including the amount of any proposed amended impact fee per service unit, were made available to the public as required under the Impact Fee Statute; and

**WHEREAS**, a public hearing was held on February 18, 2014 and members of the public were allowed to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan in accordance with the provisions of the Impact Fee Statute.

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

That the findings and recitations set out in the preambles to this Resolution are found to be true and correct, and they are hereby adopted by the City Council of the City of El Paso and made a part of this Resolution for all purposes.

That the City Council, after conducting a public hearing on February 18, 2014 to consider amendments to the land use assumptions and capital improvements plan under which an impact fee may be imposed, and after giving members of the public an opportunity to present evidence for or against the amendments, hereby adopt the amendments to the land use assumptions, and capital improvements plan, attached hereto as Exhibit "A" and made a part hereof by reference.

**5.3**

**RESOLUTION**

**WHEREAS**, Chapter 395 (Impact Fee Statute) of the Texas Local Government Code provides for the establishment and collection of impact fees; and

**WHEREAS**, the City of El Paso is a political subdivision that imposes water and wastewater impact fees in accordance with the Impact Fee Statute; and

**WHEREAS**, on March 24, 2009, in accordance with the Impact Fee Statute, the City of El Paso adopted the land use assumptions and capital improvements plan under which an impact fee was imposed; and

**WHEREAS**, on May 12, 2009, in accordance with the Impact Fee Statute, the City of El Paso adopted water and wastewater impact fees; and

**WHEREAS**, Texas Local Government Code Section 395.052 states that a political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years; and

**WHEREAS**, as a part of the process of modifying an impact fee under Texas Local Government Code, Chapter 395, the City Council must hold a public hearing to discuss and review the update of the land use assumptions and capital improvements plan and determine whether to amend the plan; and

**WHEREAS**, on February 18, 2014, the City of El Paso adopted amendments to the land use assumptions and capital improvements plan; and

**WHEREAS**, the City of El Paso will hold a public hearing to consider an amendment to Ordinance No. 017113, the City of El Paso's Water and Wastewater Impact Fees.

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

The City Council of the City of El Paso, Texas hereby sets a public hearing date for March 4, 2014 at 8:00 am in the City Council Chambers on the 1<sup>st</sup> floor of City Hall, 300 North Campbell, El Paso, El Paso County, Texas to consider an amendment to Ordinance No. 017113, the City of El Paso's Water and Wastewater Impact Fees.

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

6.1

**ORDINANCE 18125**

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF SECTION 48, BLOCK 79, & PORTION OF SECTIONS 18 & 19, BLOCK 78, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO. SURVEYS, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: SOUTH OF THE FUTURE EXTENSION OF PEBBLE HILLS BOULEVARD (BETWEEN JOHN HAYES STREET AND THE FUTURE TIM FLOYD STREET) AND AT THE INTERSECTION OF THE FUTURE EXTENSIONS OF RALPH SEITSINGER DRIVE AND TIM FLOYD STREET; PROPERTY OWNERS: RANCHOS REAL LAND HOLDINGS, LLC AND COUNTY OF EL PASO SUAX12-00002**

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

Mayor Leeser commented.

Motion duly made by Representative Noe, seconded by Mayor Pro Tempore 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, Romero, Acosta, Robinson, Noe, Holguin, Limón, 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**.

6.2 **CITY DEVELOPMENT**

\*Motion made, second, and unanimously carried to **DELETE** the Ordinance changing the zoning of Lot 4 thru 10, Block 114, Campbell Addition, 501, 503, 505, 511, 513, 515, 517, and 523 South Campbell Street, City of El Paso, El Paso County, Texas from A-3 (Apartment) to G-MU (General-Mixed Use) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 501, 503, 505, 511, 513, 515, 517, and 523 South Campbell Street. Property Owner: Eduardo & Josefina Soto. PZRZ13-00044

6.3

**ORDINANCE 18126**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTION OF LOT 1 AND 2, BLOCK 30, ALEXANDER ADDITION, 1401 N. KANSAS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1401 N. KANSAS STREET. PROPERTY OWNER: TERRY M. HAMMOND. PZRZ13-00046**

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

Mayor Leeser and Representative Niland and Romero commented.

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

The following members of the public commented:

- 1. Ms. Joselyn L. Guerry
- 2. Mr. Terry M. Hammond, applicant

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative 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, Romero, Acosta, Robinson, Noe, Limón, and Niland

NAYS: None

ABSTAIN: 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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**6.4**

**ORDINANCE 18127**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 21-24, BLOCK 17, DEL NORTE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) 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: EAST OF GATEWAY NORTH BOULEVARD AND NORTH OF ARLEN AVENUE. PROPERTY OWNER: ARNESON POOL SERVICES, INC. PZRZ13-00033**

Motion duly made by Representative Romero, seconded by Mayor Pro Tempore 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, Romero, Acosta, Robinson, Noe, Holguin, Limón, 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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**ITEMS TAKEN TOGETHER**

6.5

**ORDINANCE 18128**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 8953 WHICH CHANGED THE ZONING OF A PORTION OF TRACT 1F, SECTION 27, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 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: EAST OF MARTIN LUTHER KING JR. AND NORTH OF THE PATRIOT FREEWAY. PROPERTY OWNER: CAMINO REAL INVESTMENTS I, LTD. PZCR13-00010**

6.6

**ORDINANCE 18129**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PARTIAL RELEASE AND SATISFACTION OF RESTRICTIONS, CONDITIONS AND RESERVATIONS CONTAINED IN THE WARRANTY DEED WITH VENDOR'S LIEN TO FOSTER-SCHWARTZ DEVELOPMENT CORPORATION RECORDED UNDER VOLUME 1702, PAGE 1623-1628, CORRECTED IN VOLUME 1938, PAGE 50, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS.**

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

Mayor Leeser and Representative Robinson commented.

Mr. Adam Frank, President of River Oaks Properties commented.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, Limón, and Niland  
NAYS: None

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

7.1

**RESOLUTION**

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

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2013 through December 31, 2013.

Assistant Chief Michelle Gardner presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Robinson, Acosta, and Limon commented.

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

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**8.1 MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution that the City of El Paso appoint the following board members to the Camino Real Regional Mobility Authority:

1. Les Parker for Position 1, whose term will expire on February 1, 2016;
2. Dori Fenenbock for Position 3, whose term will expire on February 1, 2016, and
3. Joe Wardy for Position 5, whose term will expire on February 1, 2016.

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**8.2 MAYOR AND COUNCIL**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **DIRECT** the City Manager to explore the different scenarios of creating a fun zone in the entertainment district on game days.

Representatives Niland, Limon, and Noe commented.

Ms. Joyce Wilson, City Manager, commented.

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**8.3 MAYOR AND COUNCIL**

Discussion and action to direct the City Manager and City Attorney to enter into negotiations with El Paso Electric to develop a plan to reduce the number of Electrical Power Crossings over the I-10 corridor and to direct staff to develop a policy that limits or prohibits new electrical crossings over I-10 and major state roadways unless the City deems it to be in the public's best interest.

Mayor Leeser and Representative Niland commented.

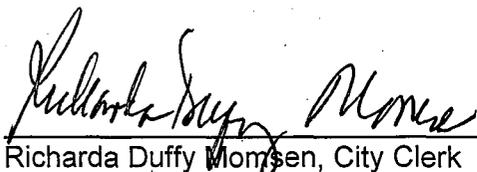
Ms. Joyce Wilson, City Manager, commented.

Ms. Marybeth Stevens, EPE Assistant Vice President for Public Relations, commented.

**NO ACTION** taken on this item.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 10:46 a.m.  
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**APPROVED AS TO CONTENT:**

  
Richarda Duffy Momsen, City Clerk