

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
MARCH 5, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 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, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Susannah M. Byrd at 8:37 a.m. and Eddie Holguin, Jr. at 8:44 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. AMERICAN RED CROSS MONTH
2. INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AWARENESS MONTH
3. BRAIN INJURY AWARENESS MONTH
4. WOMEN IN CONSTRUCTION WEEK

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. Salvador Gomez
4. Mr. Oscar Morales

Mayor Cook and Representatives Ortega and Niland commented.

CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, 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 February 26, 2013 and the Special City Council Meetings of February 21, 2013 and February 26, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3. NOTATION OF CAMPAIGN CONTRIBUTIONS:

*Motion made, seconded, and carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Steve Ortega on February 7, 2013, in the amount of \$1,100.00 from Tyler Daniels; in the amount of \$500.00 from Isha Rogers Babel; on February 8, 2013, in the amount of \$500.00 from H.L. Enloe; on February 19, 2013, in the amount of \$1,000.00 from Rudy and Bridgette Valdez.

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4. INTRODUCTION

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, 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:

An Ordinance granting a non-exclusive franchise to "Bin There Dump That," to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described in the ordinance; the penalty as provided in Section 9.04.630 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 19, 2013, FOR ITEM 4

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ITEMS TAKEN TOGETHER

5A.

ORDINANCE 17962

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 21.30 (NEW COMMUNITY PLANS), CHAPTER 21.50 (BUILDING SCALE PLANS), CHAPTER 21.70 (DEFINITIONS), AND CHAPTER 21.80 (TABLES), SECTION 21.80.240 (TABLE 16 SPECIAL DISTRICT STANDARDS) OF THE EL PASO CITY CODE TO ADD THE NORTHWEST PARK SPECIAL DISTRICT AND STANDARDS FOR THAT DISTRICT, AND TO CLARIFY THE SMARTCODE PROVISIONS. THE PENALTY BEING AS IS PROVIDED IN CHAPTER 21.60 OF THE EL PASO CITY CODE.**

5B.

ORDINANCE 17963

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A 484.7490 ACRE PARCEL OF LAND LEGALLY DESCRIBES AS A PORTION OF NELLIE D. MUNDY SURVEY NO. 246; A PORTION OF SECTION 9, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS; AND A PORTION OF TRACT 1, S. J. LARKIN SURVEY NO. 269, ALL BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM URD (URBAN RESERVE DISTRICT) AND R-3 (RESIDENTIAL) TO SCZ (SMARTCODE ZONE); AND CHANGING THE ZONING OF A 1,175.2332 ACRE PARCEL OF LAND LEGALLY DESCRIBED AS ALL OF S. J. LARKIN SURVEY NO. 267; A PORTION OF NELLIE D. MUNDY SURVEY NO. 246; A PORTION OF TRACT 1, S. J. LARKIN SURVEY NO. 268; AND A PORTION OF TRACT 1A, S. J. LARKIN SURVEY NO. 269, ALL BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM URD (URBAN RESERVE DISTRICT) TO SCZ (SMARTCODE ZONE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 OF THE EL PASO CITY CODE. PROPERTY OWNER: CITY OF EL PASO. PZRZ12-00041**

5C.

ORDINANCE 17964

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A FEE SIMPLE DETERMINABLE DEED WITHOUT WARRANTY TO CONVEY APPROXIMATELY 658.2954 ACRES, LOCATED WITHIN THE CITY OF EL PASO, EL PASO COUNTY TEXAS, FOR PORTIONS OF NELLIE D. MUNDY SURVEY NO. 246; PORTIONS OF TRACT 1, S.J. LARKIN SURVEY NO. 268; PORTIONS OF TRACT 1A, S.J. LARKIN SURVEY NO. 269; AND ALL OF S.J. LARKIN SURVEY NO. 267; GENERALLY LOCATED ON BOTH SIDES OF TRANSMOUNTAIN ROAD WEST OF THE FRANKLIN MOUNTAINS, AND EAST OF I-10, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT OF SALE, AND ANY OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE TO THE TEXAS PARKS & WILDLIFE DEPARTMENT, FOR INCLUSION IN THE FRANKLIN MOUNTAINS STATE PARK. THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD HAS DECLARED THE LAND INEXPEDIENT TO THE SYSTEM.**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development and 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 Representatives Byrd, Lilly, and Robinson commented.

The following members of the public commented:

1. Mr. Jim Tolbert
2. Mr. Charlie Wakeem
3. Dr. Richard Teschner
4. Ms. Judy Ackerman

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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, Byrd, Acosta, Robinson, Noe, Holguin, Ortega 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**.

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5D.

ORDINANCE 17965

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00019, TO ALLOW FOR A MEDICAL TREATMENT FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT 9, 8A, AND 11, BLOCK 11, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 6297 STRAHAN ROAD. PROPERTY OWNER: GALLEGO DREAM CONTINUES, LLC. PZST12-00019**

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

Representative Lilly 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, 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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5E.

ORDINANCE 17966

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00013, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT WIDTH AND CUMULATIVE FRONT AND REAR YARD SETBACKS ON THE PROPERTY DESCRIBED AS LOT 1 - 13, BLOCK 1, SAN ANGELINO ESTATES, 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: 5701 - 5724 AZZULINA COURT. PROPERTY OWNER: MARIO ORNELAS / ANVIA, LLC. PZST12-00013**

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

Representative Acosta commented.

Motion duly made by Representative Acosta, 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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5F. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting Special Permit No. PZST13-00001, to allow for a small contractor yard on the property described as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZST13-00001

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5G. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of real property known as Lot 45, Block 4, Stiles Gardens, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 7127 Stiles Drive. Property Owner: Enrique Escobar. PZRZ12-00039

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5H. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** eight weeks the public hearing an Ordinance granting Special Permit No. PZST12-00025, to allow for a transitional housing facility on the property described as Lots 11 - 13, Block 273, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1020 Campbell Street. Property Owner: La Posada Home, Inc. PZST12-00025

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 and Niland commented.

The following City staff members commented:

1. Ms. Sylvia Firth, City Attorney, gave legal advice.
2. Mr. William Lilly, Director of Community Development

Mr. Cesar Javier Cortez, citizen, commented.

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5I.

ORDINANCE 17967

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO CORRECT AN ERROR IN ORDINANCE NO. 17904 WHICH AMENDED TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND**

DEFINITIONS) OF THE EL PASO CITY CODE TO AMEND ARTICLE II (DEFINITIONS) THROUGH THE ADDITION OF A DEFINITION FOR UTILITY GREEN SPACE LABELED 20.02.1128; RENUMBERING SAID DEFINITION AS 20.02.1129; ON NOVEMBER 6, 2012, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Motion duly made by Representative Acosta, seconded by Representative 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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5J. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031

Mayor Cook and Representative Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Land Manager and Counsel for El Paso Water Utilities
3. Mr. Carlos Gallinar, Deputy Director for Planning, City Development

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5K. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance vacating a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, City of El Paso, El Paso County, Texas. SURW12-00018.

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6A.

ORDINANCE 17968

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), OF THE EL PASO CITY CODE BY REPEALING CHAPTER 18.40 (VACANT BUILDINGS) IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 18.40 (VACANT BUILDINGS) IN ITS PLACE, TO REDUCE THE TIME FRAME WITHIN WHICH A BUILDING MUST REGISTER, INCREASE THE OCCUPANCY REQUIREMENTS, REVISE THE REGISTRATION AND FIRE PROTECTION**

REQUIREMENTS AND PROVIDE AN ADAPTIVE REUSE ALTERNATIVE; THE PENALTY BEING AS PROVIDED IN SECTION 18.40.130 (PENALTY) OF THE EL PASO CITY CODE.

Interim Fire Chief Carlos Carmona and Mr. Kurt Fenstermacher, Interim Director of Environmental Services presented a PowerPoint presentation (copy on file in City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Inspections
3. Ms. Sylvia Firth, City Attorney, gave legal advice.
4. Ms. Josette Flores, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Doug Hamilton
2. Mr. Ken Regan, Governmental Affairs Realtor

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Noe, and carried to **REVISE** Chapter 18.40 Vacant Buildings, Section 18.40.020B "Vacant" revise "one year" to "two years".

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

NAYS: Representatives Robinson, Holguin and Ortega

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **REVISE** Chapter 18.40 Vacant Buildings, Section 18.40.020B "Vacant" 40% 2 levels or less and 60% more than 2 levels.

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

NAYS: None

3RD MOTION

Motion made by Representative Niland, seconded by Representative Acosta, and carried to **REVISE** Chapter 18.40 Vacant Buildings, Section 18.40.020D. "Enforcement Area" limiting vacant building ordinance to downtown area as defined in the code already.

THE MOTION PASSED.

AYES: Mayor Cook and Representatives Acosta, Noe, Ortega, and Niland

NAYS: Representative Lilly, Byrd, Robinson, and Holguin

Mayor Cook broke the tie, voting Aye.

4TH MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **REVISE** Chapter 18.40 Vacant Buildings, Section 18.40.020D. "Enforcement Area" to include lower Dyer Neighborhood and any condemned properties city wide.

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

5TH AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Noe, that the Ordinance be **ADOPTED, AS AMENDED** by City Council and as **REVISED** by the staff recommendations presented and by Legal's recommendation regarding the appeal process.

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, AS AMENDED**.

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6B.

ORDINANCE 17969

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.52 (FIRE PREVENTION CODE), SECTION 9.52.030.14 TO AMEND THE MISCELLANEOUS COMBUSTIBLE MATERIAL OPERATIONAL PERMIT LANGUAGE IN SECTION 105 OF THE INTERNATIONAL FIRE CODE; TO AMEND SECTION 9.52.030.16 TO REQUIRE A CERTIFICATE OF OCCUPANCY FOR THE ISSUANCE OF AN OPERATIONAL PERMIT; TO AMEND SECTION 9.52.050.5 TO ADD CRITERIA FOR MISCELLANEOUS COMBUSTIBLE MATERIALS STORAGE; THE PENALTY AS PROVIDED IN SECTION 9.52.030.19 (VIOLATION PENALTIES) OF THE EL PASO CITY CODE.**

Representatives Niland and Ortega commented.

The following City staff members commented:

- 1. Interim Fire Chief Carlos Carmona
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.
- 3. Ms. Josette Flores, Assistant City Attorney, gave legal advice.

Motion duly made by Representative Niland, 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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7. CITY MANAGER

Discussion and presentation on the status and design update of the El Paso Ballpark.

Mr. Alan Shubert, Project Engineer - El Paso Ballpark, and Mr. Mike Saventini, Populous, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Mr. Othon Medina, citizen, commented.

NO ACTION was taken on this item.

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8. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00049 at 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property.

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9.

RESOLUTION

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

That the City Manager be authorized to approve the Computer Use Policy for the El Paso Public Library, which is in compliance with the Children's Internet Protection Act.

Representative Noe commented.

Ms. Dionne Mack, Director of Libraries, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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10A. MAYOR AND COUNCIL

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to work on enhanced security options for the Union Plaza Entertainment District.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

Assistant Police Chief Robert Feidner commented.

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10B. MAYOR AND COUNCIL

Motion made by Representative Robinson, seconded by Representative Niland, and carried to **INCREASE** cap by 712 units above the 4000, but the individual developers must pull building permits no later than six

months from today, and specifying that subsidized housing may not be part of this extension and that we close the program.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

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

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10C.

RESOLUTION

WHEREAS, on December 12, 2012, a vacancy occurred on the El Paso Water Utilities Public Service Board in the Financial Management category; and

WHEREAS, the El Paso Water Utilities Public Service Board Selection Committee met on February 20, 2013 and approved nomination of the following candidates to fill the vacancy: Terri Garcia, Hilton Maddox and David Saucedo II.

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

That the City of El Paso hereby appoints Terri Garcia fill the vacancy in the Financial Management category. The term of the appointment shall commence on March 13, 2013 and shall be for four (4) years.

Motion made by Representative Acosta, seconded by Representative Niland, and carried to **APPROVE** the Resolution appointing Terri Garcia in the Financial Management category to the Public Service Board as recommended by the Public Service Board Selection Committee.

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

NAYS: None

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Ortega

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10D.

RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

WHEREAS, in an effort to insure the continuity of the CRRMA through the avoidance of any vacancies in City-appointed positions of the CRRMA Board, the City Council desires to make reappointments to Positions 2, 4 and 6, which shall become effective on February 1, 2012;

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

That the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on February 1, 2013:

1. Jim Volk, Position 2, term expiring on February 1, 2015;
2. Ricardo Dominguez, Jr., Position 4, term expiring on February 1, 2015; and
3. Susan A. Melendez, Position 6, term expiring on February 1, 2015.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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11A. CITY ATTORNEY

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance of the City of El Paso, Texas; defining communications that constitute the transaction of official business of the City of El Paso, Texas; clarifying the duties of the Public Information Officer, the agents of the Public Information Officer, the Custodians of Local Governmental Records and the duties of employees, volunteers and officials of the City as those duties relate to the assembly, collection, maintenance and retention of local government records; declaring certain communications are local governmental records pursuant to the Texas Local Government Records Act; and providing an effective date.

Representatives Byrd and Niland commented.

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

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11B.

RESOLUTION

WHEREAS, the City Council of the City of El Paso adopted a Resolution on December 6, 2012 approving State Legislative Priorities for the 83d Legislative Session;

WHEREAS, proposed legislation and other matters have arisen since the commencement of the 83d Legislative Session that were not addressed by the City Council on December 6, 2012; and

WHEREAS, the City Council desires to amend the State Legislative Priorities for the 83d Legislative Session;

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

1. The State Legislative Priorities for the 83d Legislative Session is amended to include support for:
 - A. Proposed legislation authored by members of the El Paso State Delegation intended to address issues of transparency and accountability dealing with the governing bodies of public school districts located in the El Paso region.
 - B. Proposed legislation authored by members of the El Paso State Delegation to allow for the consolidation of the El Paso City and County Housing Authorities.
 - C. Proposed legislation authored by members of the El Paso State Delegation to allow for a voter approved increase in the car rental fee used to fund the Sun Bowl football game; provided a portion of the increase is set aside to fund improvements to the stadium.

D. Proposed legislation filed by Senator Carona commonly referred to as the "Property Tax Lending Reform Bill" and other similar proposed legislation to add consumer protection measures to transactions involving the transfer of tax liens.

2. The City Council authorizes the Mayor and the City Manager to continue to meet with the authorized members of the El Paso Police and Fire Pension Board to prepare proposed legislation to enable the City and Pension Board to address the issues of underfunding; provided however, the proposed legislation and the plans to remedy the issues of underfunding are to be presented to the City Council for consideration before they are presented to the El Paso State Delegation as approved.

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

Ms. Sylvia Firth, City Attorney and Ms. Lauren Ferris, Intergovernmental Affairs Coordinator, gave legal advice.

Mr. Jerry Villanueva, citizen, commented.

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **INCLUDE** support for the legislation about the increase accountability and transparency of the school boards.

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

NAYS: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **APPROVE** the Resolution as read into the record by the City Attorney with the exception of the legislation regarding the school board.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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11C. CITY ATTORNEY

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **AUTHORIZE** the Mayor of the City of El Paso to send a letter (**Exhibit A**) to the Texas Department of Housing and Community Affairs clarifying that the only project the City of El Paso is supporting for housing tax credits during the current funding cycle is Artspace.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

Ms. Sylvia Firth, City Attorney and Ms. Lauren Ferris, Intergovernmental Affairs Coordinator, gave legal advice.

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Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 3:04 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 Holguin

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to adjourn the Executive Session at 3:16 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Holguin, Ortega, and Niland

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EX1. John Shelby vs. the City of El Paso, et. al., Cause No. EP-12-CV-00200-DCG (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand in the lawsuit styled John Shelby vs. The City of El Paso, et. al.; Cause No. EP-12-CV-00200-DCG.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Holguin, Ortega, and Niland

.....
EX2. Carl Starr vs. John Cook, et. al., Cause 2013-DCV0072 (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement demand in the lawsuit styled Carl Starr vs. John Cook, et. al.; Cause No. 2013-DCV0072.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Holguin, Ortega, and Niland

.....
EX3. City of El Paso vs. Bejorka Trust, et al, Cause No. 95-4295. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement offer in the lawsuit styled The City of El Paso vs. Bejorka Trust, et. al.; Cause No. 95-4295.

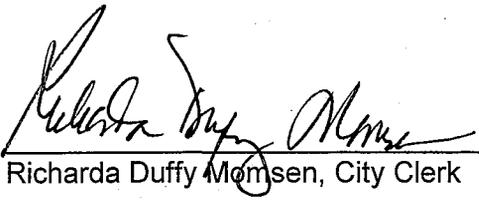
AYES: Representatives Lilly, Byrd, Acosta, Robinson, and Noe

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Holguin, Ortega, and Niland

Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 3:20 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk