

OSCAR LEESER
MAYOR

SEAN MCGLYNN
INTERIM CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

**June 17, 2014
COUNCIL CHAMBERS, CITY HALL
8:00 AM**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:01 a.m.

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ROLL CALL

Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Carl Robinson, Michiel Noe, Eddie Holguin, Jr., Lilia Limón and Cortney Niland. Late Arrival: Ann Morgan Lilly at 8:04 a.m. Absent: Emma Acosta requested to be excused.

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INVOCATION BY - FIRE AND CIMA CHAPLAIN SAM FARAONE

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PLEDGE OF ALLEGIANCE

Brownie Troop 65132

**Reagan Ritter
Morgan Voorhies**

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8:00 A.M. – 8:30 A.M. CALL TO THE PUBLIC – PUBLIC COMMENT

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

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting. Requests to speak must be received by 8:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Jack Bradford
2. Mr. Steve Watson
3. Mr. Manny Hinojosa
4. Mr. Rocky Bacchus
5. Mr. Steven Strummer
6. Mr. Salvador Gomez

Mayor Leeser and Representative Niland commented.

Mr. Sean McGlynn, Interim City Manager, commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

MAYOR'S PROCLAMATIONS

- 1 **Bob Moore Day**
 - 2 **El Paso Fatherhood Awareness Month**
 - 3 **El Paso Resilient City Week**
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RECOGNITIONS

El Paso Municipal Courts—Government Collectors Association of Texas Award for Collections Program of the Year 2014

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CONSENT AGENDA

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, 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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

1. APPROVAL OF MINUTES:

*Motion made, seconded, and carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 10, 2014. There are no minutes for the Legislative Review Meeting of the Whole of June 9, 2014, due to lack of a quorum.

Municipal Clerk, Richarda Duffy Momsen, (915) 212-0049

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

- 2.1. *Motion made, seconded, and unanimously carried to **EXCUSE** Representative Emma Acosta from the Regular Council Meeting of June 17, 2014.

3. RESOLUTIONS:

3.1. *RESOLUTION

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

That the date of June 23, 2014 is hereby approved as the date upon which Tomás González becomes an eligible employee for purposes of healthcare coverage in accordance with the City of El Paso Health Plan Document.

Representative Robinson commented.

The following City staff members commented:

1. Interim City Manager, Sean McGlynn commented.
2. Laura Gordon, Deputy City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

3.2. RESOLUTION

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to rename Fiesta Balboa Park located at 6200 Fiesta Drive, City of El Paso, El Paso County Texas, as **JAMES SCHWITTERS FAMILY PARK**.

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

THAT the park located at 6200 Fiesta Drive, El Paso, Texas, shall henceforth be renamed and known as **JAMES SCHWITTERS FAMILY PARK**; and,

THAT the Coronado Neighborhood Association ("Applicant") shall incur the customary costs associated with the renaming of a park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be acceptable to both the Parks and Recreation Department and Applicant. (District 8)

The following staff members commented:

1. Mr. Tracy Novak, Director of Parks and Recreation, commented.
2. Ms. Marcie Tuck, Open Space Trails and Parks Coordinator, commented.

Mr. Charles Wakeem, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

ABSENT: Representative Acosta

4. NOTICE FOR NOTATION:

4.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation that the City of El Paso earned The Platinum Leadership Circle Award for financial transparency online from Texas Comptroller Susan Combs.

4.2. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$1,000 from Walmart for Movies in the Park in District 5.

4.3. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$150.00 from Food City Supermarkets for Movies Under the Stars in District 3.

4.4. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$1,000.00 from Walmart for Music in the Park in District 2.

REGULAR AGENDA - INTRODUCTIONS

5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

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

ABSENT: Representative Acosta

5.1.1 An Ordinance vacating a portion of Virginia Street Right-of-Way, adjacent to Blocks 70 and 71, Alexander Addition, City of El Paso, El Paso County, Texas

PUBLIC HEARING WILL BE HELD ON June 24, 2014

5.1.2 An Ordinance vacating a portion of Lackland Street Right-of-Way within Pridham Survey No. 274, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON JUNE 24, 2014

5.1.3 An Ordinance authorizing the City Manager to sign a lease with El Paso Independent School

District for a combined 99,921 square foot leased property consisting of 1) an 81,721 square foot property that includes all of block 70, Alexander Addition and a portion of St. Vrain Street vacated in the city of El Paso, which is a portion of Tom Lea Park, and 2) the 18,200 square foot west one-half of Virginia street vacated in the city of El Paso for a 99 year term. Consideration will be a 99 year lease of district property in northeast El Paso for City's use as a public park.

PUBLIC HEARING WILL BE HELD ON JUNE 24, 2014

5.1.4

An Ordinance authorizing the City Manager to sign a lease with El Paso Independent School District for a combined 85,400 square foot leased property consisting of 1) an 42,440 square foot portion of block 13, Manhattan heights addition and a portion of unplatted land in Memorial Park in the City of El Paso, and 2) the 42,960 square foot south half of Wheeling Street vacated in the City of El Paso for a 99 year term; and repealing ordinance no. 17760. Consideration is conveyance of district's fee interest of vacated Lackland Street near Altura Street, joint use of a portion of district flat field for pedestrian pathway and city's use of district's multipurpose center to be constructed on leased site.

PUBLIC HEARING WILL BE HELD ON JUNE 24, 2014

REGULAR AGENDA – OTHER BUSINESS

6. CITY MANAGER:

6.1.

RESOLUTION

A RESOLUTION approving and authorizing publication of notice of intention to issue certificates of obligation.

THE STATE OF TEXAS

CITY OF EL PASO WHEREAS, the City Council of the City of El Paso, Texas (the "City"), has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, for the purpose of paying contractual obligations to be incurred for the construction of public works as specified below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the City Council proposes to pay the certificates;

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

The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in a principal amount not to exceed \$73,000,000 for the purpose of

paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) design, acquisition, construction and improvements to City transportation and terminal facilities, including maintenance and operational facilities, bus shelters, streetcar project, rapid transit terminals and the acquisition of necessary rights of way and land therefor; (b) constructing, resurfacing and improving various streets, roads, bridges, overpasses, thoroughfares, tunnels, sidewalks, pathways and related municipal facilities within the City, including lane markings, street drainage, street lights, ADA accessibility, traffic signals, signal system synchronization, loop detectors, transit tunnel reconstruction, lighting and landscaping related thereto and the acquisition of necessary rights-of-way and land in connection therewith; (c) renovating, improving and equipping City Hall and other City administrative facilities; (d) acquisition, construction and improvement of municipally owned public art projects; (e) construction, renovation, rehabilitation, improving and equipping of City buildings and facilities for information technology, maintenance, engineering, internal audit, fire, environmental services and other City departments, including improvements to fiber optic connectivity, roofing system rehabilitation and replacement HVAC; and the acquisition of necessary rights-of-way and land in connection therewith; (f) improvement and equipping of City parks, recreational and library facilities; and (g) the purchase and installation of computer software and hardware for various City departments and operations; and (ii) professional services rendered in connection therewith, such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

This Resolution shall be in force and effect from and after its passage on the date shown below.

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

Mayor Leeser, Representatives Robinson and Limón commented.

The following City staff members commented:

1. Lisa Ramirez-Tobias, Financial Services
2. Interim City Manager, Mr. Sean McGlynn

Ms. Lisa Turner, citizen, commented

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

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

REGULAR AGENDA – PUBLIC HEARINGS

7. CITY DEVELOPMENT:

- 7.1.** *Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of all of Tract 20-B4, Block 55, Ysleta Grant, 9350 Escobar Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Jacob Peters, Location: 9350 Escobar Drive, PZRZ14-00006

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

The following citizens commented:

1. Mr. Gustavo Soto
2. Mr. Eduardo Torres
3. Mr. Gustavo Torres, Jr.

7.2.1

ORDINANCE 18182

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00027, TO ALLOW FOR INFILL DEVELOPMENT WITH FRONT, REAR, SIDE YARD SETBACKS AND PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 14-26, BLOCK 4, HUGHES SUBDIVISION, 5713-5717 WELCH AVENUE, 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: 5713-5717 WELCH AVENUE. PROPERTY OWNER: JORGE VALENZUELA. PZST13-00027**

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

NAYS: None

ABSENT: Representative Acosta

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

7.2.2

ORDINANCE 18183

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 14-26, BLOCK 4, HUGHES SUBDIVISION, 5713-5717 WELCH AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5713-5717 WELCH AVENUE. PROPERTY OWNER: JORGE VALENZUELA. PZRZ13-00037**

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

NAYS: None

ABSENT: Representative Acosta

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

7.3.

ORDINANCE 18184

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING PARCELS: PARCEL 1: LOTS 17, 18, AND 19, RANGERS REST SUBDIVISION, 1053 & 1061 RANGER STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO R-MU (RESIDENTIAL MIXED USE); AND, PARCEL 2: PORTION OF TRACT 3A, BLOCK 55, YSLETA GRANT SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO R-MU (RESIDENTIAL MIXED USE), APPROVING A MASTER ZONING PLAN, AND REPEALING ORDINANCE NO. 017347 WHICH GRANTED A SPECIAL PERMIT FOR AN ASSISTED LIVING FACILITY AND CONVALESCENT HOME FOR PARCEL 1. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1053 & 1061 RANGER STREET. PROPERTY OWNER: JJ SCOTT INVESTMENTS. PZRZ14-00008**

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

Motion duly made by Representative Limón, 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, Robinson, Noe, Holguin, Limón, and Niland
NAYS: None
ABSENT: Representative Acosta

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

7.4.

ORDINANCE 18185

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00011, TO ALLOW FOR A GROUND-MOUNTED 75' PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS LOT 78, BLOCK 33, TIERRA DEL ESTE #26 AMENDING, 3070 JOE BATTLE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 3070 JOE BATTLE. PROPERTY OWNER: CRBD JOE BATTLE LTD & CAMINO VISTA PROPERTIES LP. PZST14-00011**

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

Motion duly made by Representative Noe, seconded by Representative Romero, 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, Robinson, Noe, Holguin, Limón, and Niland
NAYS: None
ABSENT: Representative Acosta

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

7.5.

ORDINANCE 18186

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 23-A-3, AF MILLER SURVEY NO. 214, 2 DE LEON DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C/SP (RESIDENTIAL/CONDITION/SPECIAL PERMIT) TO R-MU (RESIDENTIAL 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: 2 DE LEON DRIVE. PROPERTY OWNER: KEYVAN PARSA. PZRZ13-00047**

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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

7.6.

ORDINANCE 18187

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 22 & 23, BLOCK 127, HIGHLAND PARK, 2814-2816 MOBILE AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL); AND, LOTS 24 & 25, BLOCK 127, HIGHLAND PARK, 2812 MOBILE AVENUE, 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: 2812, 2814 & 2816 MOBILE AVENUE. PROPERTY OWNER: STANTON 2800, LLC. PZRZ13-00045**

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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

7.7.

ORDINANCE 18188

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 7591 DATED SEPTEMBER 14, 1982, WHICH CHANGED THE ZONING OF A PORTION OF LOT 1 AND PORTION OF LOT 2, BLOCK 1, LAS FLORES SUBDIVISION, UNIT 4, 8825 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND ORDINANCE NO. 15816 DATED JUNE 15, 2004, WHICH CHANGED THE ZONING OF A PORTION OF LOT 1 AND PORTION OF LOT 2, BLOCK 1, LAS FLORES SUBDIVISION, UNIT 4, 8825 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: VERDE PASO PARTNERS, LP, LOCATION: 8825 NORTH LOOP DRIVE, PZCR14-00003.**

Mayor Leeser commented.

Mr. Mathew McElroy, Director of City Development, commented.

Motion duly made by Representative Limón, seconded by Representative Romero, 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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

7.8.

ORDINANCE 18189

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 10, BLOCK 64, VISTA DEL SOL UNIT THIRTEEN, 10640 MONTWOOD DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: MONTWOOD CHURCH OF THE NAZARENE/JON STOUT, LOCATION: 10640 MONTWOOD DRIVE, PZRZ14-00013**

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

Motion duly made by Representative Limón, 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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

7.9.

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Tracts 6 and 10 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas from C-1/c (Commercial/condition), C-3/c (Commercial/condition) and C-3 (Commercial) to PR-II (Planned Residential II). The penalty is as provided for in Chapter 20.24 of The El Paso City Code. Property owner: Prime Desert Properties, LLC, Location: North of Edgar Road and West of Desert Boulevard, PZRZ14-00016

ABSENT: Representative Acosta

Mr. Matthew McElroy, Director of City Development, commented.

7.10.

ORDINANCE 18190

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00017, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT SIZE AND CUMULATIVE SETBACKS, ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT 1, COUNTRY CLUB SOUTH SIDE, 610 MEADOWLARK DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT AND 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: PAUL AND BEVERLY DUDLEY, LOCATION: 610 MEADOWLARK DRIVE, PZST14-00017**

Mr. Mathew McElroy, Director of City Development, commented.

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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

ORDINANCE 18191

7.11.

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.26 (ALTERNATIVE SUBDIVISION/SMART CODE DESIGNS), SECTION 19.26.020.E (INFILL DEVELOPMENT), OF THE EL PASO CITY CODE TO REDUCE PARK DEDICATION FEES BY 50% FOR NON-RESIDENTIAL INFILL DEVELOPMENT OF UP TO FIVE ACRES. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Representatives Robinson and Lilly Commented.

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

Motion duly made by Representative Lilly, seconded by Representative Noe, 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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

Whereupon the Mayor ordered that, the vote having been cast in favor of the

Ordinance, the same be and the same are hereby **ADOPTED**.

7.12.

ORDINANCE 18192

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), SECTION 19.10.050 (ROADWAY PARTICIPATION POLICIES-IMPROVEMENT OF ADJACENT PERIMETER ROADS AND UTILITIES) OF THE EL PASO CITY CODE TO AMEND SUBPARAGRAPH A, TO ALLOW FOR THE WAIVER OF THE DEDICATION AND IMPROVEMENTS OF ADJACENT SUBSTANDARD ROADS WHEN SPECIFIC CRITERIA ARE MET. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Mr. Mathew McElroy, Director of City Development, commented.

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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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

8. PUBLIC HEALTH:

8.1.

ORDINANCE 18193

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.50 (PUBLIC AND WORKPLACE SMOKING RESTRICTIONS) IN ITS ENTIRETY RELATING TO ALL PROVISIONS INCLUDING CLARIFICATION OF DEFINITIONS; CLARIFICATION OF IN WHICH PUBLIC PLACES SMOKING IS PROHIBITED AND WHERE SMOKING IS NOT REGULATED; CLARIFICATION REGARDING ENFORCEMENT, VIOLATIONS AND PENALTIES; THE PENALTY AS PROVIDED IN SECTION 9.50.130 OF THE CITY OF EL PASO CODE.**

Robert Resendes, Director of Health, gave a PowerPoint presentation (copy on file in City Clerk's Office)

Representative Michiel Noe gave a PowerPoint presentation (copy on file in City Clerk's Office)

Mayor Leeser, Representatives Niland, Robinson, Noe, and Holguin commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Kurt Gross
2. Mr. Abraham Medina
3. Miranda Escobar
4. Dr. Holly Mata
5. Dr. Theodore V. Cooper
6. Ms. Kristen Hernandez
7. Ms. Rebekah Leach
8. Ms. Dionne Billstones
9. Mr. Clayton Earley
10. Ms. Luisa Ileana Garcia
11. Dr. Hector Ocaranza
12. Ms. Penny Harmonson
13. Ms. Lydia B. Garcia
14. Mr. John Hogan
15. Mr. Robert B. Hemperley
16. Mr. Shane Weller
17. Mr. Jorge Retana
18. Mr. Javier Gallegos
19. Mr. David Molinar
20. Mr. Roberto Griffith
21. Ms. Perla Retana
22. Ms. Gaby Salazar
23. Mr. Cristian Corral
24. Mr. Chester Bryant
25. Mr. Louis Brown
26. Mr. Jose Quintero
27. Mr. Berlin Arellano
28. Mr. Salvador Gomez
29. Josimar Perez
30. Ms. Amanda Steggall
31. Jose Luis Molina
32. Lisa Duran
33. Lisa Turner
34. Mr. David Porras, Jr.
35. Mr. Joel Romo
36. Mr. Leo Mendoza

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.50 (PUBLIC AND WORKPLACE SMOKING RESTRICTIONS) IN ITS ENTIRETY RELATING TO ALL PROVISIONS INCLUDING CLARIFICATION OF DEFINITIONS; CLARIFICATION OF IN WHICH PUBLIC PLACES SMOKING IS PROHIBITED AND WHERE SMOKING IS NOT REGULATED; CLARIFICATION REGARDING ENFORCEMENT, VIOLATIONS AND PENALTIES; THE PENALTY AS PROVIDED IN SECTION 9.50.130 OF THE CITY OF EL PASO CODE.**

1st Motion

Motion made by Mayor Pro Tempore Niland, seconded by Representative Holguin to **SUSPEND** the rules for additional speakers.

2nd and Final Motion

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, Robinson, Noe, Limón, and Niland

NAYS: Representative Holguin

ABSENT: Representative Acosta

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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9. TAX:

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9.1. ORDINANCE 18194

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST TO MIGUEL RIVERA IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TEXAS PROPERTY TAX CODE TO THE FOLLOWING DESCRIBED PARCEL: TRACT 1-F-1-H (0.074 ACRE) & TRACT 1-E-1-A (0.079 ACRE), BLOCK 5 ASCARATE GRANT, IN EL PASO COUNTY, TEXAS.**

Mr. Jose Padilla, outside tax counsel, commented.

Motion duly made by Representative Limón, seconded by Representative Holguin, 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, Robinson, Noe, Holguin, Limón, and Niland

NAYS: None

ABSENT: Representative Acosta

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. COMMUNITY AND HUMAN DEVELOPMENT:

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10.1. Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing on program performance and on the Proposed Annual Action Plan 2014-2015 of the Consolidated Plan for 2010-2015, and adoption of a Final Action Plan for 2014-2015, including the 40th Year (2014-2015)

Community Development Block Grant Program, and the 2014-2015 Emergency Solutions Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Budgets.

ABSENT: Representative Acosta

Ms. Veronica Soto, Director of Community and Human Development, gave a PowerPoint presentation (copy on file in City Clerk's Office)

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REGULAR AGENDA - OTHER BUSINESS
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.....
11. COMMUNITY AND HUMAN DEVELOPMENT:
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11.1. RESOLUTION

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

That the City Council, having herein conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2014-2015 of the Consolidated Plan for 2010-2015, hereby adopts a Final Action Plan for 2014-2015, attached hereto as Exhibit "A," which includes the 40th Year (2014-2015) Community Development Block Grant Program, Emergency Solutions Grant Program, HOME Investment Partnerships Program, and Housing Opportunities for Persons with AIDS Program Budgets, all attached hereto as Exhibit "B."

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

ABSENT: Representative Acosta

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11.2. RESOLUTION

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

That the City Manager be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2014-2015, Form SF-424, and all certifications contained therein; and

That the City Manager be authorized to sign Grant Agreements with HUD for the four entitlement grants covered by the Annual Action Plan: the Community Development Block Grant, the Emergency Solutions Grant, the HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS Program; and

That the City Manager be authorized to sign all Letters of Support, Certifications of Local Government Approval, and Certifications of Consistency with the Consolidated Plan required by HUD or the State of Texas for grant applications or applications for Low Income Housing Tax Credits for programs covered by the Consolidated Plan or related Community Development programs; and

That the City Manager, subject to completion of environmental review, be authorized to sign all contracts and documents with the agencies or City departments approved for funding in the Annual Action Plan 2014-2015 related to the implementation and performance of the activities contained in the Annual Action Plan 2014-2015 and corresponding programs. The City Manager is authorized herein to sign amendments to such contracts which add to or reduce funding when such amendments are consensual, including the de-obligation of funds by mutual termination, and extensions to the contract period, provided that no additional City funds are required; and

That the City Manager be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications, and Performance Reports required by the U.S. Department of Housing and Urban Development for activities covered by the Consolidated Plan 2010-2015, the Annual Action Plan 2014-2015, and related Community Development programs; and

That the City Manager be authorized to sign agreements to secure matching funds which add to amounts allocated under the regular CDBG budget, provided that no additional funds from the City are required in addition to those allocated under the regular CDBG budget. The City Manager is authorized herein to sign amendments to matching fund agreements, including extensions to the contract period, provided that no additional City funds are required.

Representative Robinson commented.

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

ABSENT: Representative Acosta

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- 11.3. Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** one week a Resolution approving the Neighborhood Improvement Program (NIP) projects recommended for expenditure in the first round of the 2012 Quality of Life Bonds NIP funding, and directing the City Manager to accept donations as pledged in the project proposals and to proceed with allocation of the funds for the approved NIP projects.

ABSENT: Representative Acosta

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

The following staff members commented:

1. Interim City Manager, Mr. Sean McGlynn commented.
2. Ms. Veronica Soto, Director of Community and Human Development, commented.

Laura Gordon, Deputy City Attorney, gave legal advice.

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12. CITY ATTORNEY
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12.1. RESOLUTION

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

That the CITY OF EL PASO authorizes the City Attorney to accept and authorize the terms of the settlement between Public Utility Commission staff, El Paso Electric, and other parties for Public Utility Commission Docket No. 41359; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County, Texas.

Representatives Niland and Noe commented.

Mr. Norman Gordon, Outside Counsel, gave a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Blanchard, El Paso Electric Company, commented.

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

ABSENT: Representative Acosta

12.2. RESOLUTION

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

That the CITY OF EL PASO authorizes the City Attorney to accept and authorize the terms of the settlement between Public Utility Commission staff, El Paso Electric, and other parties for Public Utility Commission Docket No. 41809; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station Montwood Substation 115-kV Transmission Line in El Paso County, Texas.

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

ABSENT: Representative Acosta

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13. ECONOMIC AND INTERNATIONAL DEVELOPMENT:
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13.1. A RESOLUTION AUTHORIZING THE MAYOR TO CERTIFY THAT AREAS WITHIN THE CITY OF EL PASO MEET THE NECESSARY UNEMPLOYMENT RATE TO QUALIFY AS A HIGH UNEMPLOYMENT AREA UNDER THE FEDERAL EB-5 PROGRAM REGULATIONS

WHEREAS, on October 24, 2011, Governor Rick Perry, pursuant to 8 C.F.R. 204.6(i), designated to mayors of cities or towns located within a metropolitan statistical area, or cities or towns with a population of 20,000 or more, the ability to certify areas of high unemployment within the boundaries of the incorporated city or town;

WHEREAS, the City of El Paso (the "City") is a home-rule municipal corporation with a population greater than 20,000; and

WHEREAS, the City desires that the Mayor utilize the designated authority granted by the Governor in order to help facilitate foreign investment in the City for the purposes of capital investment and job creation.

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

That the Mayor is hereby authorized to certify that a geographic area within the City of El Paso meets the necessary unemployment rate to qualify as a high unemployment area under the federal EB-5 program regulations in accordance with Texas Governor Rick Perry's designation of such authority to mayors of cities in the state of Texas and pursuant to 8 C.F.R. 204.6(i).

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

NOT PRESENT FOR THE VOTE: Representative Noe

ABSENT: Representative Acosta

Ms. Annaelisa Holguin, Economic Development, gave a PowerPoint presentation (copy on file in City Clerk's Office).

14. ENGINEERING AND CONSTRUCTION MANAGEMENT:

- 14.1.** *Motion made, seconded, and carried to **DELETE** a Resolution authorizing the Mayor to sign a Landscape Maintenance Agreement between the City of El Paso and the State of Texas acting by and through the Texas Department of Transportation, whereby the City agrees to maintain the pedestrian enhancements and other aesthetic improvements along SH 20 (Mesa Street) upon completion of the improvements.

ABSENT: Representative Acosta

15. MAYOR AND COUNCIL:

- 15.1.** *Motion made, seconded, and carried to **DELETE** the item regarding City Council to accept the recommendation of Representative Lily Limón to name Border Highway West Extension, from Santa Fe to Paisano Drive, the Ruben Salazar Expressway and authorize the City Manager to forward this resolution to the Texas Department of Transportation for approval of the name and execute any necessary documents to effectuate the adoption of the name and make any budget transfers necessary to carry out the intent of this resolution.

ABSENT: Representative Acosta

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ADDITION TO THE AGENDA

CONSENT AGENDA

1. BOARD APPOINTMENTS:

- 1.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jayvant Desai to the Community Development Steering Committee as requested by City Representative Emma Acosta, District 3.

2. NOTICE FOR NOTATION:

- 2.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from Jobe Materials for Music in the Park in District 2.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly and unanimously carried to **ADJOURN** this meeting at 1:09 p.m.

ABSENT: Representative Acosta

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APPROVED AS TO CONTENT:


Richarda Duffy Mornsen, City Clerk