

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
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

July 1, 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 8:05 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Cortney Carlisle Niland, Larry Romero, Carl Robinson, Michiel R. Noe, and Lilia Limón. Late arrivals: Ann Morgan Lilly at 8:07 a.m., Eddie Holguin, Jr. at 8:08 a.m., and Emma Acosta at 8:13 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
ROLL CALL

.....
INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

.....
PLEDGE OF ALLEGIANCE

Isabella Dubrule
Emily Dubrule
Timothy Dubrule

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

The following members of the public commented:

1. Mr. Ricardo Cerros
2. Mr. Dan Hanshaw
3. Mr. Jack Bradford
4. Ms. Wally Cech
5. Mr. Salvador Gomez
6. Mr. Steven Strummer
7. Ms. Lisa Turner

Mayor Leeser and Representatives Robinson and Niland commented.

.....

MAYOR'S PROCLAMATIONS

1. National Parks and Recreation Month.
 2. National Minority Mental Health Awareness Month
 3. Starr Western Wear Month
-

RECOGNITIONS

**City of El Paso – Texas Comptroller of Public Accounts Leadership Circle Award
–Platinum Level**

.....

NOTICE TO THE PUBLIC

.....

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

ABSENT: Representative Noe

.....

1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 24, 2014, and the corrected Minutes for the Regular City Council Meeting of June 17, 2014.

.....

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

*Motion made, seconded, and carried to **EXCUSE** Representative Michiel R. Noe from the Regular Council Meeting of July 1, 2014.

.....

3. BOARD RE-APPOINTMENTS:

- 3.1. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Carol Molloy to the Community Development Steering Committee by Mayor Oscar Leeser.
-

4. BOARD APPOINTMENTS:

- 4.1. *Motion made, seconded, and unanimously carried to **APPOINT** Terry L. Scott to the Retired and Senior Volunteer Program Advisory Council-RSVP by Representative Cortney Niland, District 8.

.....
5. NOTICE FOR NOTATION:

- 5.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donations of \$500.00 from Food City and \$500.00 from Linebarger Goggan Blair & Sampson, LLP for Music in the Park in District 2.

.....
REGULAR AGENDA - INTRODUCTIONS

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

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

- 6.1. An Ordinance changing the zoning of Lots 17 through 26, and a portion of Lots 27 through 32, Block 58, Cotton Addition, 1918 Texas Avenue, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) 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: 1918 Texas Avenue. Property Owner: Young Women's Christian Association of El Paso DBA YWCA El Paso Del Norte Region. PZRZ14-00022

PUBLIC HEARING WILL BE HELD ON JULY 29, 2014

- 6.2. An Ordinance approving a detailed site development plan for Lot 5 and a portion of Lot 4, Block 3, Keystone Business Park, 4360 Doniphan Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4360 Doniphan Drive. Property Owner: Mentis REEP, LLC. PZDS14-00014

PUBLIC HEARING WILL BE HELD ON JULY 29, 2014

.....
REGULAR AGENDA – PUBLIC HEARINGS

.....
7. CITY DEVELOPMENT:

- 7.1. **ORDINANCE 18199**

The City Clerk read an Ordinance entitled: **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**

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint

presentation (copy on file in City Clerk's office).

Motion duly made by Representative Lilly, 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, Holguin, Limón, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

ABSENT: Representative Noe

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

7.2.

ORDINANCE 18200

The City Clerk read an Ordinance entitled: **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**

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

ABSENT: Representative Noe

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

8. POLICE DEPARTMENT:

8.1.

ORDINANCE 18201

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.12 (DEALERS IN SECONDHAND GOODS, DEALERS IN CRAFTED PRECIOUS METALS, COIN DEALERS AND PAWNBROKERS) IN ITS ENTIRETY RELATING TO ALL PROVISIONS INCLUDING CLARIFICATIONS AND REVISIONS OF DEFINITIONS AND EXCLUSIONS; CLARIFICATION REGARDING LICENSE DENIAL SUSPENSION, REVOCATION; CLARIFICATION REGARDING VIOLATIONS AND PENALTIES.**

Representatives Acosta, Robinson, and Lilly commented.

The following City staff members commented:

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

Motion duly made by Representative Acosta, 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, Limón, and Niland

NAYS: None

ABSENT: Representative Noe

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

9. PUBLIC HEALTH:

9.1.

ORDINANCE 18202

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS), SECTION 9.12.007 TO CLARIFY THE APPLICABILITY OF THE CHAPTER; SECTION 9.12.010 (DEFINITIONS) TO CLARIFY THE DEFINITIONS TO EXCLUDE CERTAIN ESTABLISHMENTS FROM REGULATION BY THIS CHAPTER AND TO ADD CERTAIN DEFINITIONS FROM THE TEXAS FOOD ESTABLISHMENT RULES; TO CORRECT SUBSECTION 9.12.070K SO THAT THE LICENSE FEE IS BASED ON THE SQUARE FOOTAGE OF THE ACTUAL FOOD ESTABLISHMENT AREA; AND CLARIFYING THE FOOD HANDLER IDENTIFICATION CARD REQUIREMENTS IN SECTION 9.12.130; THE PENALTY AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO CITY CODE.**

Mr. Robert Resendes, Director of Public Health, presented a PowerPoint presentation (copy on file in City Clerk's office) and he read revisions into the record.

Representatives Robinson, Holguin, and Lilly commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Josette Flores, Assistant City Attorney, gave legal advice.

Mr. Leo Mendoza, citizen, commented.

1st MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson and unanimously carried to **SUSPEND** the rules of council to allow for additional speakers after the sign-up deadline.

2ND MOTION

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

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

NAYS: None

ABSENT: Representative Noe

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

REGULAR AGENDA - OTHER BUSINESS

10. CITY ATTORNEY:

10.1.

RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization (MPO), Transportation Policy Board (TPB) provide that the City of El Paso may appoint someone to the TPB to represent the City and the El Paso International Airport;

WHEREAS, the City of El Paso now desires to replace Joyce Wilson, the representative of the City and Jane Shang, the representative of the El Paso International Airport.

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

THAT the following be appointed to the Transportation Policy Board for the Metropolitan Planning Organization as the City and the El Paso International Airport representatives, effective immediately:

Tomás González, City Manager, as representative of the City; and Monica Lombrana, Director of Aviation, as representative of the El Paso International Airport.

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

11. ECONOMIC AND INTERNATIONAL DEVELOPMENT:

11.1.

RESOLUTION

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

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Amendment to the Chapter 380 Economic Development Program Agreement between the City of El Paso and RUSA Texas, LLC ("Applicant"), a Texas limited

liability company, in order to provide flexibility in the number of part-time jobs that the Applicant must create and maintain to receive grant payments under the Agreement.

Mr. Cary Westin, Director of Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representative Robinson commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

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

NAYS: Representative Holguin

ABSENT: Representative Noe

12. MAYOR AND COUNCIL:

12.1. Motion made by Representative Limón, seconded by Representative Holguin, and carried to **DIRECT** the City Manager to prepare a plan to secure the property in the Lincoln Center and to continue dialogue with the Lincoln Center Preservation Committee and TXDOT.

AYES: Representatives Romero, Acosta, Robinson, Holguin, Limón, and Niland

NAYS: Representative Lilly

ABSENT: Representative Noe

Mayor Leeser and Representatives Niland, Romero, Limón, and Lilly commented.

The following members of the public commented:

1. Mr. Hector Gutierrez
2. Mr. Hector Gonzalez
3. Mr. Dave Valero
4. Ms. Leticia Olivas
5. Mr. Corey Givens
6. Ms. Maria McNulty
7. Ms. Lorena Dorantes
8. Ms. Lisa Turner
9. Mr. Israel Fuentes
10. Ms. Ramona Juarez

EXECUTIVE SESSION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:29 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

ABSENT: Representative Noe

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 on the **Regular Agenda**:

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 10:54 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Noe

EX1. Economic Development incentives and transfer of City-owned land to the Medical Center of Americas Foundation. (551.071 and 551.087)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried that:

1. The City Manager be authorized to sign the attached term sheet identifying the basic terms for the transfer of approximately 13 acres of land owned by the City of El Paso to the Medical Center of the Americas Foundation ("MCA"), a Texas nonprofit corporation (or one or more of its affiliates) for the uses referred to in the term sheet and consistent with the Chapter 380 Agreement entered into between the City and MCA on February 7, 2012;
2. Staff begin the process of updating TIRZ 6 to include any real property subject to the term sheet within the boundaries of the reinvestment zone; and
3. Staff and the Legal Department prepare any and all documents necessary to effect the transfer.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Noe

EX2. Orlando Arriola v. City of El Paso, Texas, Cause No. 2012-DCV06568 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **DELETE** the item regarding Orlando Arriola v. City of El Paso, Texas, Cause No. 2012-DCV06568 (551.071)

AYES: Representatives Lilly, Romero, Acosta, Robinson, Limón, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin
ABSENT: Representative Noe

EX3. Economic incentives for manufacturer to expand facility in far east El Paso.
(551.087)

NO ACTION taken on this item.

EX4. Economic incentives for back office / shared services center to expand operations
in west El Paso. (551.087)

NO ACTION taken on this item.

ADDITION TO THE AGENDA

CONSENT AGENDA

1. NOTICE FOR NOTATION:

1.1 *Motion made, seconded and unanimously carried to **APPROVE** for notation the
donation of \$500.00 from the El Paso Association of Fire Fighters Local 51 for
Movies Under the Stars in District 3.

.....
ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously
carried to **ADJOURN** this meeting at 10:56 a.m.

.....
APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk