

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 15, 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 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Cortney Carlisle Niland, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., Lilia Limón, and Ann Morgan Lilly. 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.

ROLL CALL

INVOCATION BY CIMA CHAPLAIN CARLOS CLUGY-SOTO

PLEDGE OF ALLEGIANCE

Hal Marcus

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

The following members of the public commented:

1. Mr. Luis Garcia
2. Mr. Jack Bradford
3. Ms. Wally Cech
4. Mr. Steve Strumer
5. Ms. Lisa Turner

Mayor Leeser and Representative Niland commented.

Mr. Tommy Gonzalez, City Manager, commented.

MAYOR'S PROCLAMATIONS

1. **Edie Rubalcaba Day**

2. **Team Alchemy Karate Academy Month**
3. **Pretrial, Probation and Parole Supervision Week**

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

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, 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 Meetings of July 1, 2014, July 8, 2014, and the Special City Council Meeting of July 7, 2014.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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3. RESOLUTIONS:

- 3.1.** *Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign an Advertising Service Agreement between the City of El Paso and Sanders\Wingo Advertising, Inc. for the production of an advertisement campaign to attract attention to the El Paso International Airport as a gateway to the City of El Paso for a term effective the date this Agreement is executed and ending on November 26, 2014 for a cost not to exceed \$292,206.81.
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4. BOARD RE-APPOINTMENTS:

- 4.1.** *Motion made, seconded, and unanimously carried to **RE-APPOINT** William Ketcherside to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Carl L. Robinson, District 4.
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5. BOARD APPOINTMENTS:

- 5.1.** *Motion made, seconded, and unanimously carried to **APPOINT** Todd Miller to the Fair Housing Task Force by Representative Lily Limón, District 7.
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6. NOTICE FOR NOTATION:

- 6.1.** *Motion made, seconded and unanimously carried to **APPROVE** for notation the donations of \$500.00 from Jobe Materials, \$500.00 from Bowling Construction and

\$200.00 from Fred Loya Insurance for 'Summer Programs' scheduled in District 7.

Representatives Limón and Niland commented.

Ms. Lisa Turner, citizen, commented.

- 6.2. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donations of \$200.00 from CEA Group for Movies Under the Stars in District 3.

REGULAR AGENDA - INTRODUCTIONS

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, 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:

- 7.1. An Ordinance changing the zoning of Tract 1, Block 13, Ysleta Grant, 8137 San Jose Road, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8137 San Jose Road. Property Owner: Brenda I. Boyselle. PZRZ14-00017

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2014

- 7.2. An Ordinance granting Special Permit No. PZST14-00012, to allow for a medical office on the property described as Lots 13, 14, and 15, Block 17, Del Norte Acres, 8894 & 8898 Gateway Boulevard North, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8894 & 8898 Gateway Boulevard North. Property Owner: Dr. Dipak Patel. PZST14-00012

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2014

- 7.3. An Ordinance changing the zoning of a portion of Section 28 and 33, Block 79, Township 2, Texas and Pacific Railway Company Surveys, North of Montana Avenue and East of Purple Heart Boulevard, City of El Paso, El Paso County, Texas from C-4 (Commercial) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan. The penalties are as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Montana Avenue and East of Purple Heart Boulevard. Property Owner: River Oaks Properties, LTD. PZRZ14-00023

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2014

- 7.4. An Ordinance changing the zoning of Lot 1, Block 28, Terrace Hills Addition Unit Four, 5101 Fairbanks Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to G-MU (General-Mixed Use) approving a Master Zoning Plan, and approving a reduction in the minimum district area. The penalties are as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5101 Fairbanks Drive. Property

Owner: Cavallion Developers, LLC. PZRZ14-00003

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2014

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REGULAR AGENDA – PUBLIC HEARINGS
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8. CITY DEVELOPMENT:
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8.1. ORDINANCE 18203

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00010, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED REAR AND SIDE YARD SETBACKS ON THE PROPERTY DESCRIBED AS LOTS 9 AND 10, BLOCK 25, ALEXANDER ADDITION, 1319 N. OREGON STREET, 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: 1319 N. OREGON STREET. PROPERTY OWNER: HAL MARCUS. PZST14-00010**

Representative Niland commented.

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

Motion duly made by Mayor Pro Tempore Niland, 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, 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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8.2. ORDINANCE 18204

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1, 2, 3, 4, 5, 24, 25, 26, A PORTION OF TRACT 1 AND A PORTION OF A 20 FEET ALLEY (VACATED), BLOCK 89A, LOGAN HEIGHTS ADDITION, 5312 ALABAMA STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) AND A-2 (APARTMENT) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5312 ALABAMA STREET. PROPERTY OWNER: BORDER LOOP DIALYSIS, LLC. PZRZ14-00014**

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

Representative Robinson commented.

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, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Limón

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

8.3.

ORDINANCE 18205

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00002, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR AND CUMULATIVE YARD SETBACKS, AND TO PERMIT AN ASSISTED LIVING FACILITY FOR EIGHT PERSONS ON THE PROPERTY DESCRIBED AS A PORTION LOT 18, BLOCK 6, PIEDMONT HILLS ADDITION, UNIT ONE, 4180 BERKSHIRE PLACE, 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 BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 4180 BERKSHIRE PLACE. PROPERTY OWNER: LITTLE DREAM HOMES LLC. PZST14-00002**

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

Representative Lilly commented.

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, Acosta, Robinson, Noe, Holguin, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Limón

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

8.4.

ORDINANCE 18206

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00015, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR SETBACK ON THE PROPERTY DESCRIBED AS LOT 5, BLOCK 1, ARMOUR SQUARE, 5550 CONFETTI, 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 IN**

CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 5550 CONFETTI.

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 Mayor Pro Tempore Niland, 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, Acosta, Robinson, Noe, Holguin, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Limón

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

ITEMS TAKEN TOGETHER - 8.5.1 AND 8.5.2

8.5.1.

ORDINANCE 18207

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE NORTH 75 FEET OF TRACT 228, MAP OF SUNRISE ACRES, 8707 GATEWAY SOUTH, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 8707 GATEWAY SOUTH. PROPERTY OWNER: ARTURO DE LA RIVA & ANGELITA DE LA RIVA. PZRZ14-00012**

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, and Niland

NAYS: None

NOT PRESENT FOR VOTE: Representative Limón

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

8.5.2.

ORDINANCE 18208

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00019, TO ALLOW FOR A CONTRACTOR'S YARD (SMALL) ON THE PROPERTY DESCRIBED AS THE NORTH 75 FEET OF TRACT 228, MAP OF SUNRISE ACRES, 8707 GATEWAY SOUTH, 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: 8707 GATEWAY SOUTH. PROPERTY OWNER: ARTURO DE LA RIVA & ANGELITA DE LA RIVA. PZST14-00019

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, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Limón

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

8.6.

ORDINANCE 18209

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), OF THE EL PASO CITY CODE, TO ADD AN EXCEPTION TO THE FIRE CONSTRUCTION REQUIREMENT FOR EXTERIOR WALLS, EXCEPTING ZERO LOT LINE PROPERTIES PROVIDED CERTAIN REQUIREMENTS ARE MET, THE PENALTY BEING AS PROVIDED BY SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE . APPLICANT: CITY OF EL PASO, CITY DEVELOPMENT DEPARTMENT.**

Representative Robinson commented.

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

Motion duly made by Mayor Pro Tempore Niland, 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, 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**.

8.7.

ORDINANCE 18210

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO JOSEPH NEBHAM FOR THE USE, MAINTENANCE, AND REPAIR OF PORTIONS OF CITY RIGHT-OF-WAY ALONG FRANKLIN AVENUE ADJACENT TO THE PROPERTY LOCATED AT 311 EAST FRANKLIN AVENUE, EL PASO TEXAS.**

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

Representatives Noe and Niland commented.

Motion duly made by Mayor Pro Tempore Niland, 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, 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**.

REGULAR AGENDA - OTHER BUSINESS / PUBLIC HEARING:

9. CITY DEVELOPMENT:

- 9.1. Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **DENY** a request from Hector Cebada for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 2914 E. Paisano Dr.

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

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

Representative Niland commented.

The following members of the public commented:

1. Mr. Ray Mancera, representing applicant
2. Ms. Lisa Turner

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- 9.2. Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and carried to unanimously **DENY** a request from Western Beverages Liquors of Texas Inc. for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a daycare for the property located at 6215 Upper Valley Rd, Suite E.

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

Representative Lilly commented.

Ms. Lisa Turner, citizen, commented.

10. COMMUNITY AND HUMAN DEVELOPMENT:

10.1.

RESOLUTION

WHEREAS, on June 18, 2013, the City Council for the City of El Paso adopted the Final Action Plan for 2013-2014 for the Consolidated Plan 2010-2015, including the 39th Year (2013-2014) Community Development Block Grant (CDBG) Program, and on that date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2013-2014 Annual Action Plan and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2013-2014 Annual Action Plan of the 2010-2015 Consolidated Plan and 2013-2014 CDBG Program Budget by adding one public facility activity in the 39th Year program; and

WHEREAS, on May 28, 2014, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2013-2014 Annual Action Plan and 39th Year CDBG Program Budget and City Council has duly considered public comment, if any; and

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

1. That the 2013-2014 Annual Action Plan and 39th Year CDBG Program Budget is hereby amended as follows:

YWCA Sara McKnight Transitional Living Center Re-Roofing – \$207,063 (**All Districts**): This public facility project, located at 3700 Altura Avenue, is added to the 39th Year CDBG program. The project entails removal of the existing roof down to the concrete deck and installation of a new roofing system with tapered insulation for proper drainage; including necessary mechanical, plumbing and electrical work. The funds for this project will be transferred from the CDBG Unprogrammed Funds Account.

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

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

Representative Robinson commented.

Mr. Tommy Gonzalez, City Manager, commented.

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

ITEMS TAKEN TOGETHER – 10.2 AND 10.3

10.2.

RESOLUTION

WHEREAS, on June 18, 2013, the City Council for the City of El Paso adopted the Final Action Plan 2013-2014 for the Consolidated Plan 2010-2015, including the 39th Year (2013-2014) HOME Investments Partnership Grant (HOME) Programs and on that date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the 2013-2014 Annual Action Plan and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department, now desires to amend the 2013-2014 Annual Action Plan of the 2010-2015 Consolidated Plan and 2013-2014 HOME Program Budget by reducing the Grant amount in the 39th Year program; and

WHEREAS, on June 4, 2014, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2013-2014 Annual Action Plan and 39th Year HOME Program Budget and City Council has duly considered public comment, if any; and

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

1. That the 2013-2014 Annual Action Plan and 39th Year HOME Program Budget are hereby amended as follows:

Grant reduction of \$714,928 from the 2013-2014 HOME Budget, as a repayment to HUD for cancelation of the Summerlin Subdivision First Time Homebuyer project.

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of this Resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

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

Representative Robinson commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Charlie McNabb, attorney for Tierra Del Sol Housing Corp.
2. Ms. Lisa Turner

1st MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Niland, and unanimously carried to **SUSPEND** the rules of council to allow for additional

speakers after the sign-up deadline.

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Holguin

10.3.

RESOLUTION

WHEREAS, in September, 2008, City Council approved a resolution to purchase thirty (30) scattered vacant lots in the Summerlin Subdivision for the purpose of constructing affordable home for First Time Homebuyers;

WHEREAS, a developer was solicited through a RFP process, and on October 12, 2010, the City and Borrower entered into a HOME Program Purchase and Development Agreement (the "Agreement"), to construct and sell thirty (30) affordable single-family homeownership housing units to First Time Homebuyers (the Summerlin Subdivision First Time Homebuyer Program);

WHEREAS, project delays necessitated requesting a one year extension for the Summerlin Subdivision First Time Homebuyer Program, which the U.S. Department of Housing and Urban Development (HUD) approved;

WHEREAS, on August 14, 2012, the City and Borrower executed the First Amendment to the Agreement with the Borrower to reflect the one-year extension and increase the affordability period for the homes from 10 to 15 years;

WHEREAS, additional delays necessitated a request for an additional one-year extension, which was denied by HUD;

WHEREAS, HUD canceled the Summerlin Subdivision First Time Homebuyer Program as the project goal was not met in the prescribed time frame and required that associated expended funds must be repaid; and

WHEREAS, the City agreed to repay the associated expended funds to HUD, and by mutual agreement between the Borrower and the City, the City will recoup funding from the development of Summerlin Subdivision First Time Homebuyer Program with the Borrower's conveyance of sixteen (16) vacant lots to the City and the receipt of identified funds from the sale of five (5) improved lots,

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

1. That the City Manager be authorized to execute a Second Amendment to the HOME Purchase and Development Agreement between the City of El Paso and Tierra Del Sol Housing Corporation and any and all related documents upon approval by the City Attorney's Office and Director of Community and Human Development which will allow for the conveyance of sixteen (16) vacant lots to the City and the receipt of identified funds from the sale of eight (8) improved lots which are part of the Summerlin Subdivision First Time Homebuyers Program; and
2. That the Office of the Comptroller be authorized to establish a special account for receipt of the funds generated from the land sales of the eight (8) homes and the City's sales of the sixteen (16) vacant lots. These funds will be used

as program income to assist future First Time Homebuyers and Owner-occupied rehabilitation applicants.

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

Representative Robinson commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Charlie McNabb, attorney for Tierra Del Sol Housing Corp.
2. Ms. Lisa Turner

1st MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Holguin

11. ECONOMIC AND INTERNATIONAL DEVELOPMENT:

ITEMS TAKEN TOGETHER – 11.1.1 AND 11.1.2

11.1.1.

ORDINANCE 18211

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00018, TO ALLOW FOR INFILL DEVELOPMENT WITH A REDUCTION IN REAR SETBACK AND A 50% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 28-32, BLOCK 39, FRANKLIN HEIGHTS ADDITION, 1423 E. MISSOURI 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: 1423 E. MISSOURI AVENUE. PROPERTY OWNER: ELMESHIRE, LLC. PZST14-00018**

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

Representative Niland commented.

Motion duly made by Mayor Pro Tempore Niland, 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, Acosta, Robinson, Noe, Limón, and Niland
NAYS: 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**.

11.1.2.

RESOLUTION

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

That the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Elmshire, LLC, a Texas limited liability corporation, pursuant to the City's Infill Development Incentive Policy, for the construction of commercial property at 1423 Missouri, El Paso, Texas.

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

Representative Niland 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

11.1.3.

RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Elmshire, LLC, a Texas limited liability corporation, pursuant to the City's Infill Development Incentive Policy for the construction of commercial property at 1423 Missouri, El Paso, Texas.

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

11.2.

RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the **CITY OF EL PASO, TEXAS**, a Texas home rule municipal corporation, and **SCHNEIDER ELECTRIC USA, INC.**, a Delaware Corporation, for the expansion of its operations within the city limits of the City

of El Paso.

Mr. Cary Westin, Director of Economic and International Development, 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

12. MAYOR AND COUNCIL:

12.1. 1ST MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:42 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:

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

2nd MOTION

Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to adjourn the Executive Session at 9:36 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

3rd MOTION

*Motion made, seconded, and unanimously carried to **DELETE** the item on the discussion of recent contract changes that were completed prior to the departure of former City Manager Joyce Wilson.

Discussion shall include the following:

- The possibility of limiting / regulating the City Manager's ability to alter or influence the alteration of contracts within a particular time window of the CM leaving.
- A summary of the contract changes made and the financial impact that the changes caused.
- A timeline of when it happened and who was involved including HR.
- Are there any additional contracts that were changed, and what those changes were?

Representatives Noe and Holguin commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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 10:42 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:

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 Representative Lilly, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 11:30 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Noe

EX1.

Henry Lozano v. Vicente Ortega, et al, Cause No. EP-14-CV-0239; Our Matter No. 14-1026-4490 (551.071)

Motion made by Representative Holguin, seconded by Representative Romero, and unanimously carried that the City Attorney's Office be authorized to waive service of process on The City of El Paso in the case styled: Lozano, Henry v. Vicente Ortega, Individually and as Police Officer (#2763) with the El Paso Police Department, Greg Allen, as Chief of Police of the El Pas Police Department and The City of El Paso, Cause No. EP-14-CV-0239. The City Attorney is authorized to sign all documents to effectuate this authority under File No. 14-1026-4490 as recommended by the City Attorney.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Robinson and Noe

EX2.

Roswitha Saenz, Individually and on behalf of The Estate of Daniel Saenz, Deceased v. The City of El Paso, Texas, et al, Cause No. 3:14-CV-244; Our Matter No. 13-1026-2868.001 (551.071)

Motion made by Representative Holguin, seconded by Representative Romero, and unanimously carried that the CITY OF EL PASO retain George E. Hyde with the law firm of Denton, Navarro, Rocha & Bernal PC, as outside counsel to defend the City's interest and position in the lawsuit styled Roswitha Saenz, Individually and on behalf of The Estate of Daniel Saenz, Deceased v. The City of El Paso, Texas, et al, Cause No. 3:14-CV-244; Our Matter No. 13-1026-2868.001; that the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this lawsuit through outside counsel. This Motion is intended to grant broad authority to City Attorney to take action necessary to address these matters, including but not limited to, the initiation

and response to litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager through outside counsel.

EX3. City of El Paso v. Guadalupe Ramirez, et al, Appeal Case No. 08-12-00309-CV; Our Matter No. 12-1005-361 (551.071)

Motion made by Representative Holguin, seconded by Representative Romero, and unanimously carried that the CITY OF EL PASO retain José De La Fuente with the law firm of Lloyd Gosselink, Attorneys at Law, as outside counsel to defend the City's interest and position in the lawsuit styled City of El Paso v. Guadalupe Ramirez, et al, Appeal Case No. 08-12-00309-CV; Matter No. 12-1005-361; that the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this lawsuit through outside counsel. This Motion is intended to grant broad authority to City Attorney to take action necessary to address these matters, including but not limited to, the filing of a Petition for Review with the Supreme Court of the State of Texas, the initiation and response to litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager through outside counsel.

EX4. El Paso Area Rate Review filing by Texas Gas Service Company, a division of One Gas, Inc., on April 15, 2014. (551.071)

Mr. Norman Gordon, outside utility counsel, gave legal advice.

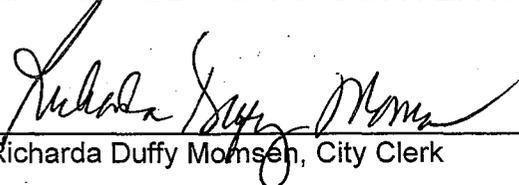
Ms. Lisa Turner, citizen, commented.

NO ACTION taken on this item.

ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 11:35 a.m.

APPROVED AS TO CONTENT:


Richarda Duffy Mohnsen, City Clerk