

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  
MICHIEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

## MINUTES FOR REGULAR COUNCIL MEETING

July 29, 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 8:04 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 Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

### ROLL CALL

### INVOCATION BY POLICE, FIRE AND CIMA CHAPLAIN SAM FARAONE

### PLEDGE OF ALLEGIANCE

Catherine Salcido

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

The following members of the public commented:

1. Mr. Othon Medina
2. Ms. Anna L. Perez
3. Mr. John Eger
4. Mr. Matthew Carroll
5. Mr. Jesus Bautista
6. Mr. George Zavala
7. Ms. Martha Molina
8. Mr. Jose Lara
9. Mr. Scott White
10. Mr. Jack Bradford
11. Ms. Wally Cech
12. Mr. Jesus Ochoa
13. Mr. Salvador Gomez

14. Mr. Timothy West
15. Mr. Frank Lozano
16. Mr. Kimberly Hale
17. Ms. Enriqueta Natividad

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

The following City staff members commented:

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

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### **MAYOR'S PROCLAMATIONS**

1. **Breastfeeding Awareness Month**
2. **Saint Thomas Aquinas Team Camp Day**
3. **24th Anniversary of the Americans with Disabilities Act**

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### **RECOGNITIONS**

#### **City Employees**

Mr. Tommy Gonzalez, City Manager, presented the following employee recognitions:

1. Mr. Carlos Morales – 25 Years
2. Mr. Manuel Doporto – 25 Years
3. Mr. Eduardo Romero, Jr. – 30 Years
4. Ms. Marta Estrada – 40 Years

Mayor Leeser and Representative Robinson commented.

### **United States Army Sergeants Major Academy**

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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, Holguín, Limón, and Niland  
NAYS: None

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

Mr. Richard Schechter, citizen, commented.

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**1. APPROVAL OF MINUTES:**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 22, 2014 and the Legislative Review Meeting of the Whole of July 21, 2014.

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

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**3. RESOLUTIONS:**

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**3.1. \*RESOLUTION**

That the City Manager be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso to submit a joint application to the Department of Justice – 2014 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$258,630.00. The funds received under the JAG program will be allocated to the County of El Paso, Texas in the amount of \$129,315.00 (50%) and to the City of El Paso, Texas in the amount of \$129,315.00 (50%). That the City Manager or designee be authorized to sign any related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match required.

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**3.2. \*RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso (the "City") and the University of Texas Health Science Center at Houston ("UTHSC-H"), for the period of July 29, 2014 through October 31, 2016, pursuant to which UTHSC-H researchers shall conduct health research and make recommendations for policy and programs to improve the health status of underserved populations in El Paso, and for which the City shall pay UTHSC-H up to \$300,000 with funding from the Texas Healthcare and Quality Improvement Program 1115 Demonstration Waiver Program to support Medicaid Waiver projects.

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**4. NOTICE FOR NOTATION:**

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**4.1.** \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500 from Starr Western Wear and \$1500 from Waste Connections Inc. DBA El Paso Disposal for "Movies in the Park" to be used through the District #8 discretionary funds that serves a municipal purpose.

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**4.2.** \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from El Paso Electric for 'Summer Programs' scheduled in District 7.

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**4.3.** \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from Tenet and \$500.00 from CEMEX Materials LLC for Music in

the Park in District 2.

- 4.4. \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$2,500.00 from the El Paso Hispanic Chamber of Commerce for the Economic Development Familiarization Tours.

**REGULAR AGENDA – PUBLIC HEARINGS**

**5. CITY DEVELOPMENT:**

**5.1. ORDINANCE 018214**

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

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

Representative Limón commented.

Ms. Elke Cummings, citizen, 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: None

NOT PRESENT FOR THE VOTE: 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**.

**5.2. ORDINANCE 018215**

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

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

Representative Niland commented.

Mr. Darrell A. Edwards, citizen, 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, Acosta, Robinson, Noe, Limón, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

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**TAKEN TOGETHER 5.3 AND 5.4**

5.3.

**ORDINANCE 018216**

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) AND REPEALING ORDINANCE NO. 018183. 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**

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

Representative Acosta commented.

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore 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

NOT PRESENT FOR THE VOTE: 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**.

5.4.

**ORDINANCE 018217**

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 AND REPEALING ORDINANCE NO. 018182. 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**

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

Representative Acosta commented.

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore 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

NOT PRESENT FOR THE VOTE: 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**.

5.5.

**ORDINANCE 018218**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), TO AMEND THE DEFINITION OF TRANSITIONAL HOUSING, ADD A DEFINITION FOR HALFWAY HOUSE, CHAPTER 20.08 (APPENDIX A), TABLE OF PERMISSIBLE USES, SECTION 3 TO ALLOW HALFWAY HOUSE BY SPECIAL PERMIT IN CERTAIN COMMERCIAL AND MANUFACTURING DISTRICTS, CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) TO ADD STANDARDS AND REGULATIONS FOR HALFWAY HOUSE; AND (APPENDIX C) TABLE OF PARKING REQUIREMENTS AND STANDARDS TO ADD STANDARDS FOR HALFWAY HOUSE, OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Mayor Leeser and Representatives Niland, Acosta, Robinson, Holguin, and Lilly commented.

The following City staff members commented:

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

The following members of the public commented:

1. Ms. Carol Bohle
2. Mr. Blake Barrow, Rescue Mission
3. Mr. Charles Doyle
4. Major Mike Gordon, Salvation Army
5. Ms. Monica Martinez, La Posada Home
6. Mr. John Martin El Paso Center of Hope
7. Mr. Ben Bass, Recovery Alliance of El Paso Casa Vida
8. Ms. Kathy Cox, President of El Paso Community the Homeless Board
9. Mr. Ray Mancera

### **1<sup>ST</sup> MOTION**

Motion made by Representative Holguin, second by Representative Romero, and unanimously carried **NOT TO DELETE** the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), to amend the definition of transitional housing, add a definition for halfway house, Chapter 20.08 (Appendix A), Table of Permissible Uses, Section 3 to allow halfway house by special permit in certain commercial and manufacturing districts, Chapter 20.10 (Supplemental Use Regulations) to add standards and regulations for halfway house; and (Appendix C) Table of Parking Requirements and Standards to add standards for halfway house, of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

### **2<sup>ND</sup> AND FINAL MOTION**

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

NAYS: Representative Robinson

NOT PRESENT FOR THE VOTE: 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**. Representatives Robinson and Holguin commented.

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## **6. ECONOMIC AND INTERNATIONAL DEVELOPMENT:**

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### **6.1. ORDINANCE 018219**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017793 TO MODIFY THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER SIX, CITY OF EL PASO, TEXAS TO INCLUDE AN ADDITIONAL AREA IN THE MEDICAL CENTER OF AMERICAS MASTER PLAN**

**BOUNDARY IN EL PASO: ADDITION A, AS MORE FULLY DESCRIBED HEREIN.**

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

Representative Acosta commented.

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore 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

NOT PRESENT FOR THE VOTE: Representative Holguin

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

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**REGULAR AGENDA - OTHER BUSINESS**  
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**7. CITY ATTORNEY:**  
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**7.1.**

**RESOLUTION**

**WHEREAS**, the City of El Paso, Texas, is a home rule municipality operating pursuant to its Charter and the laws of the State of Texas; and

**WHEREAS**, pursuant to Texas Utilities Code Sections 103.001, the City of El Paso is a regulatory authority having exclusive original jurisdiction over the rates, operations and services of a gas distribution utility in the City limits of the City of El Paso; and

**WHEREAS**, pursuant to a franchise granted on February 22, 2000, and assigned to One Gas, Inc. on December 18, 2013, and predecessor franchises Texas Gas Service Company a division of ONE Gas, Inc., an Oklahoma corporation, is a gas distribution utility operating within the City of El Paso, Texas; and

**WHEREAS**, pursuant to the City Charter of the City of El Paso Section 1.4, the City of El Paso reserved onto itself all authority to regulate and fix the reasonable rates to be charged by public utility corporations for gas distribution rates to consumers, subject to and in accordance with the laws of the State of Texas; and

**WHEREAS**, the current base rates being charged for gas distribution within the City limits of the City of El Paso were established by an order of the Railroad Commission of Texas dated December 14, 2010; and

**WHEREAS**, pursuant to Interim Rate Filings by Texas Gas Service Company pursuant the "GRIP" statute, Texas Utilities Code Sec. 104.301, Texas Gas Service Company has increased the rates charged within the City limits of the City of El Paso in prior years; and

**WHEREAS**, pursuant to Texas Utilities Code Sec. 104.003, the City as Regulatory Authority has an obligation to ensure that each rate a gas utility demands or receives is just and reasonable; and

**WHEREAS**, the City and Texas Gas Service Company collaboratively developed the El Paso Annual Rate Review Tariff ("EPARR"), which was approved and adopted by the City on March 25, 2014, as a substitute for the GRIP process; and

**WHEREAS**, pursuant to the terms of the EPARR, Texas Gas filed on April 15, 2014, for a \$6,479,193 annual increase applicable to El Paso Service Area customers; and

**WHEREAS**, in the discussion of issues to arrive at the settlement, City Staff and Texas Gas representatives discussed issues regarding necessary revisions to the original request including treatment and inclusion of pension and benefit expense, treatment of plant in service and accumulated deferred federal income tax, incentive compensation, property taxes, lockbox service, advertising expense, pipeline integrity expense, and the treatment of Railroad Commission of Texas Rule 8.209 Regulatory Assets. The City and Texas Gas ultimately agree that the issues related to those expenses are ultimately resolved as part of the agreed rates without a specific finding on any expense except as identified in this Resolution; and

**WHEREAS**, the City Council finds that an overall revenue increase of \$4,086,500 for the El Paso Service Area is a reasonable resolution of the Texas Gas Service Company Request, and provides Texas Gas Service Company a reasonable opportunity to earn a reasonable return on its Invested Capital used and useful in providing service to the public in the El Paso Service Area over and above its reasonable and necessary operating expenses, and

**WHEREAS**, the tariffs attached to this Resolution as Exhibit "A", including Rate Schedule 10, Rate Schedule 20, Rate Schedule 21, Rate Schedule 25, Rate Schedule 26, Rate Schedule 27, Rate Schedule 40, Rate Schedule S.S., and Rate Schedule T-1 are determined to be rates which provide Texas Gas Service Company with a reasonable opportunity to earn a reasonable return on its invested capital used and useful in providing service to the Public in the El Paso Service Area.

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

1. That the rate adjustments and tariffs presented in the "El Paso Annual Rate Review Filing" filed by Texas Gas Company, a division of One Gas, Inc., on April 15, 2014, are unreasonable and are therefore denied.
2. That the tariffs attached hereto, including Rate Schedule 10, Rate Schedule 20, Rate Schedule 21, Rate Schedule 25, Rate Schedule 26, Rate Schedule 27, Rate Schedule 40, Rate Schedule S.S., and Rate Schedule T-1 are hereby approved effected July 29, 2014.
3. The EPARR Revenue Increase effective July 29, 2014, is based on an El Paso Service Area Revenue Increase of \$4,086,500. This is a "black box" number. No specific calculation getting to that amount shall be precedential in a future EPARR filing except as identified below.
4. TGS will reimburse the City's rate case expenses for this and related matters within 30 days of invoice from the City and recover those expenses, TGS's reasonable expenses for this filing and related matters and \$49,483 reimbursed to the City from previous matters, in the 2015 EPARR Filing. No interest shall accumulate on these expenses.
5. For purposes of future EPARR filings, the following amounts are to be

considered the amounts agreed to for the El Paso Service Area as of 12/31/13

a. Plant in Service	\$ 305,037,984
b. Accumulated Depreciation	( \$84,051,887)
c. Net Plant	\$ 220,986,097
d. Rule 8.209 Regulatory Asset	\$ 1,534,004
e. Pension and FAS 106 Regulatory Asset	\$ 1,019,639

6. Amortization of the Pension and FAS 106 Regulatory Asset of \$1,019,639 will be for a period of 6 years starting March 1, 2015. The unamortized balance will be included in rate base and full year's amortization in expense in future EPARR filings.

7. TGS will not claim any Excess Pension Funding Regulatory Asset in a future EPARR filing (See Line 11 Schedule C as filed on April 15, 2014).

8. For Rates to be applied to customers within the City of El Paso, as of January 1, 2014, TGS will stop deferring Pensions and other post retirement benefits, which it may be entitled to defer pursuant to Utilities Code Sec. 104.059. If and when TGS files a rate case pursuant to Utilities Code Sec. 104.102, for the purpose of setting rates within the City of El Paso, the base year for purposes quantifying any future deferred pensions and Other Post Retirement Benefits pursuant to Utilities Code Sec. 104.059 will be the test year in that case.

9. TGS will credit the Pipeline Integrity Rider Account being collected in Rider PIT, \$356,138 as of January 1, 2013, representing the Pipeline Integrity cost in year 2012 which was capitalized. This credit should allow the Rider to terminate prior to December 2015.

10. All Relief requested by Texas Gas Service and not addressed in this Resolution is Denied.

11. The City reserves all of its powers under the El Paso Municipal Code, and Texas Utilities Chapter 103 and 104 to set rates for Texas Gas Service Company within the City of El Paso.

Representative Niland commented.

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

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

NOT PRESENT FOR THE VOTE: Representative Noe

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**8. CITY DEVELOPMENT:**

- 8.1. Motion made by Representative Lilly, and second by Mayor Pro Tempore Niland, and carried to **APPROVE** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Tone Ventures, LLC, Herschel Stringfield, Partner, property owner, on behalf of Dr. Michael Laster, The Grape Restaurant, for the property located at 6350 Escondido Drive and legally described as portion of Lot 2, Block 15-A, Chaparral Park

Unit 7, City of El Paso, El Paso County, Texas.

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

NAYS: Representatives Robinson and Limón

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the healthy, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

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

Mayor Leeser and Representatives Lilly, Limón and Noe commented.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Michael Laster
3. Mr. Jerry Licon
4. Mr. Scott Winton

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## **9. COMMUNITY AND HUMAN DEVELOPMENT:**

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### **9.1.**

#### **RESOLUTION**

**WHEREAS**, in 2006 the City Council approved the Capital Budget, which included funding for the initial Neighborhood Improvement Program ("NIP"); and

**WHEREAS**, the NIP was categorized as a Priority Program, in which the requested projects from recognized neighborhood associations and civic associations must be for permanent public improvements that benefit neighborhood residents and the general public at large; and

**WHEREAS**, in 2012, the citizens of El Paso, Texas approved the 2012 Quality of Life Bonds, which included funding for the NIP; and

**WHEREAS**, the NIP's total budget made available from the 2012 Quality of Life Bonds is \$10,000,000.00 to be apportioned equally among El Paso's eight Representative Districts for eligible public improvement projects, and procurement, design, project and construction management, and contract compliance over a ten (10) year period; and

**WHEREAS**, on June 24, 2014, the City Council approved the expenditure of designated funds for the NIP Staff recommendations of projects for the first round of

the 2012 Quality of Life Bonds NIP funding; and

**WHEREAS**, on July 7, 2014, at a Special City Council Meeting, the Community and Human Development Department presented its proposed strategies, policies, and scorecard revisions ("Proposed Policies") to the NIP, and City Council approved all but one of the Proposed Policies and recommended two additional policies for inclusion; and

**WHEREAS**, the Proposed Policies were distributed and presented to the City's registered Neighborhood and Civic Associations, the Bond Oversight Advisory Committee on July 17, 2014, and the Neighborhood Coalition on July 21, 2014 to receive feedback on said Proposed Policies.

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

That City Council hereby approves the Neighborhood Improvement Program Policies and scorecard, said policies and scorecard specifically set forth and incorporated in Exhibit "A" and "B", attached hereto respectively.

Mr. Mark Weber, Neighborhood Services Coordinator, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Limón, Acosta, Robinson, Noe, Niland, and Holguin commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Veronica Soto, Director of Community and Human Development

The following members of the public commented:

1. Ms. Sylvia Carreon,
2. Mr. Joe Molinar

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and carried to **APPROVE** the Resolution with City staff recommendations.

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

NAYS: Representatives Noe, Holguin and Limón

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**10. MAYOR AND COUNCIL:**

- 10.1.** Discussion on the Greater El Paso Chamber of Commerce's presentation and recommendations to improve the valuation processes of the El Paso Central Appraisal District.

Mr. Richard Dayoub, presented a PowerPoint presentation (copy on file in City Clerk's office).

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



Dick Bowen 79  
Michael Armstrong 428

3. That Claudia Ordaz received more than a 50% majority of the votes cast for candidates for District Representative No. 6 and is hereby declared elected to such office for the ensuing term subject to the proper issuance of a certificate of election by the presiding officer, and that the number of votes cast for each person who was a candidate for such office, according to the returns, is shown in paragraph 2 hereof.

4. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2014 Special Election showing the number of votes cast in each precinct for each candidate.

5. That this Resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

6. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

7. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose.

**1<sup>st</sup> 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.

**2<sup>ND</sup> AND FINAL MOTION**

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

Representative Limón commented.

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

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**ADDITION TO THE AGENDA**

**REGULAR AGENDA - OTHER BUSINESS**

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**1. CITY ATTORNEY:**

**1.1.**

Motion made by Representative Lilly, seconded by Representative Romero, and unanimously carried to **MOVE FORWARD** in researching the proposed El Paso Electric Franchise Fee increase.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Noe and Holguin

Representative Niland commented.

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

**2. MAYOR AND COUNCIL:**

**2.1.**

Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **APPROVE** to rename the Ysleta Branch Library to The Sergio Troncoso Library.

Ms. Amy Hernandez, Legislative Aide for District 6, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Holguin commented.

The following members of the public commented:

1. Mr. Mike Mendiola
2. Mr. Sergio Troncoso

**1<sup>ST</sup> MOTION**

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Niland, and unanimously carried to **MOVE TO FRONT OF AGENDA**.

**2<sup>ND</sup> 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.

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **APPROVE** to rename the Ysleta Branch Library to The Sergio Troncoso Library.

**EXECUTIVE SESSION**

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:36 p.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:

NOT PRESENT FOR THE VOTE: 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 NEGOTIATI

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 3:15 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Noe and Holguin

**EX1.** PUC Docket No. 42449, Application of El Paso Electric Company for Approval to revise Its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap. (551.071)

**NO ACTION** taken on this item.

**EX2.** PUC Docket No. 42667, Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA Section 36.354. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file a Motion in Intervention and if necessary request a hearing in the following Public Utility Commission Docket No. 42667; Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA Section 36.354..

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel and any necessary consultants in connection with this matter.

NOT PRESENT FOR THE VOTE: Representatives Noe and Holguin

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**ADJOURN**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 3:21 p.m.

NOT PRESENT FOR THE VOTE: Representatives Noe and Holguin

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**APPROVED AS TO CONTENT:**



Richarda Duffy Momsen, City Clerk