

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
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

August 19, 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, Lilia Limón, and Ann Morgan Lilly. Late Arrivals: Michiel R. Noe at 8:06 a.m. and Claudia Ordaz at 8:09 a.m. 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
.....

Girl Scouts Troop 900

Paulina M. Limon
Daniela M. Limon
Sophia Fuentes
Gabriela Fuentes
Camryn Heon
Sophia M. Craig
Chiara I. Craig
Bianca A. Craig

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

The following members of the public commented:

2.1.B

RESOLUTION

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

That the El Paso City Council approves the list of projects on Exhibit "A" attached hereto, totaling approximately \$133,091,835.00, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan", as the established list of Airport Capital Improvement Program projects for FY 2015 through FY 2019 and the use of the identified funding sources and that the City Manager be authorized to make all necessary budget transfers prior to the execution of the projects.

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

2.1.C

ORDINANCE 018224

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.105 (PERMITS), SUBSECTION 18.02.105.7 (DRAWINGS AND SPECIFICATIONS), OF THE EL PASO CITY CODE, TO ESTABLISH A FEE FOR THE CONVERSION OF PAPER PLANS TO ELECTRONIC FORMAT, THE PENALTY BEING AS PROVIDED BY SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

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, Ordaz, 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**.

2.1.D

ORDINANCE 018225

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.106 (PERMIT FEES), SUBSECTION 18.02.106.11 (SUBMISSION AND PLAN REVIEW FEES), OF THE EL PASO CITY CODE, TO ESTABLISH A FEE FOR ADDITIONAL REVIEW OF PLANS WHICH HAVE BEEN REVISED OR AMENDED AFTER ISSUANCE OF PERMIT, THE PENALTY BEING AS PROVIDED BY SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

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, Ordaz, 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**.

2.1.E

ORDINANCE 018226

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS), PARAGRAPH 12.44.180 (B)(10) (NEWS MEDIA ZONE), TO ALLOW THE FEE FOR NEWS MEDIA PLATES TO BE SET DURING THE ANNUAL BUDGET PROCESS, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

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, Ordaz, 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**.

2.1.F

ORDINANCE 018227

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.880 (CITY ABATEMENT), SUBSECTION 9.04.880E, TO ADD REASONABLE EXPENSES TO INCLUDE A FEE FOR PREPARATION OF AND RELEASE OF LIENS; THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.**

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, Ordaz, 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**.

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.56 (PARKING METERS), SECTION 12.56.020F (INSTALLATION) OF THE EL PASO CITY CODE TO AUTHORIZE THE INTERNATIONAL BRIDGES DIRECTOR TO RECOMMEND PARKING METER DAY AND TIME EXCEPTION TO CITY COUNCIL; TO AMEND 12.56.020F.2 TO EXTEND THE FREE SATURDAY DOWNTOWN PARKING EXCEPTION; AND TO AMEND SECTION 12.56.090A TO BE SET DURING THE ANNUAL BUDGET; THE PENALTY AS PROVIDED FOR IN SECTION 12.80.240 OF THE EL PASO CITY CODE.**

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, Ordaz, 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, AS REVISED**.

The City Council Meeting was **RECESSED** at 8:53 a.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 9:23 a.m.

PUBLIC HEARINGS AND OTHER BUSINESS RELATED TO FY2015 BUDGET AND THE FY2015 TAX LEVY

The City Council Meeting was **RECESSED** at 10:47 a.m.

The City Council Meeting was **RECONVENED** at 11:09 a.m.

3. CITY MANAGER:

3.1.

RESOLUTION

CITY OF EL PASO

FISCAL YEAR 2015 BUDGET RESOLUTION

WHEREAS, on June 30, 2014, the City Manager of the City of El Paso filed the Fiscal Year 2015 Proposed Budget of the City of El Paso with the City Clerk; and

WHEREAS, the Proposed Budget was made available for the inspection by any person and was posted on the City's website in accordance with Section 102.005 of the Texas Local Government Code; and

WHEREAS, on August 7, 2014, the City Clerk published notice in the El Paso Times and El Diario, newspapers of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso Fiscal Year 2015 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

WHEREAS, said public hearing was held on August 19, 2014, by the City Council regarding the City of El Paso's Proposed Budget at which all interested persons were given the right to be present and participate.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 30, 2014, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2015, which begins on September 1, 2014 and ends on August 31, 2015.
2. The City Manager or his/her designee is hereby authorized to appropriate the reserve amount as part of City Attorney's appropriation for external legal counsel, claims, and litigation expenses.
3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the City Manager or his/her designee by November 17, 2014, with a financial report showing all appropriations for Fiscal Year 2015 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City's expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.
5. That Department Heads or their designee are hereby authorized to request budget transfers not to exceed Twenty-Five Thousand and No/100 Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand and No/100 Dollars (\$25,000.00) that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or impacting revenue accounts requires the approval of the City Manager or his/her designee.
6. That the City Manager or his/her designee is hereby authorized to make budget transfers not exceeding Fifty Thousand and No/100 Dollars (\$50,000.00) between departments and/or funds, to the extent permitted by law. Budget transfers exceeding Fifty Thousand and No/100 Dollars (\$50,000.00) between departments and/or funds shall require City Council approval.
7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.

8. That the City Manager or his/her designee is hereby authorized to increase or decrease the budget for any capital projects within a Capital Improvement Program (CIP) approved by the City Council, provided that the change of a project's budget of more than One Million and No/100 Dollars (\$1,000,000.00) requires additional Council approval. No project budget may be reduced to zero or deleted unless the project has been completed. Expenditures must be in compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established, amended or deleted.
9. That the City Manager or his/her designee is hereby authorized to add to an existing Capital Improvement Program (CIP). Addition of a project to an approved Capital Improvement Program (CIP) must meet the purpose of the proceeds from which the original CIP was funded and the addition of such project(s) cannot exceed more than Five Hundred Thousand and No/100 (\$500,000.00) without City Council authorization. Expenditures must be in compliance with applicable laws and policies and a quarterly report must be provided to Council on the budgets for capital projects that the City Manager or his/her designee has established or added.
10. That the City Manager or his/her designee is hereby authorized to receive funds associated with Texas Department of Transportation (TXDOT) reimbursements to the City and appropriate the funds to TXDOT project matches awarded through the Metropolitan Planning Organization provided the projects are included in an existing Capital Improvement Program.
11. That the City Manager or his/her designee is hereby authorized to receive funds associated with El Paso Water Utility (EPWU) reimbursements to the City and appropriate the funds to authorized street projects.
12. That any budget transfer submitted to City Council shall be accompanied by an explanation from the department and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide adequate detail for the members of City Council to determine the need for the transfer.
13. That the City Manager or his/her designee is hereby authorized to establish or amend budgets and staffing table changes for Interlocal Agreements, grants, and similar awards when the Interlocal Agreement or applications for such grants and awards have been previously approved by the City Council or the City Manager. All Interlocal Agreements or grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state (i) the funding source for Interlocal Agreements or (ii) the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed Interlocal Agreements, grants, and capital projects.
14. That the City Manager or his/her designee is hereby authorized to appropriate funds associated with donations made to the City in the amount of Fifty Thousand Dollars (\$50,000.00) or less.
15. That the City Manager or his designee is authorized to issue, without further

City Council action, purchase orders against any contract offered through the Cooperative Purchasing Network, the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, the Texas Association of School Boards, Inc. (TASB, Inc.) Cooperative Purchasing Buy Board, the ESC-Region 19 Cooperative Purchasing Program, the Harris County Department of Education Cooperative Purchasing Program, Tarrant County Cooperative Purchasing Program, Texas Procurement and Supportive Services (TPASS), Texas Multiple Award Schedule (TMAS and TXSmartBuy), State of Texas Department of Information Resources (DIR), U.S. Communities, Technology Bidding and Purchasing Program (PEPPM), and U.S. General Services Administration (GSA) in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) per cooperative purchasing program contract.

16. That the City Manager or his designee is authorized to issue, without further City Council action, purchase orders against any cooperative contract through the electronic catalog maintained through the U.S. Communities purchasing cooperative program/Equal Level in an amount not to exceed Two Million and No/100 Dollars (\$2,000,000.00) in the aggregate per electronic catalog (hereinafter referred to as "the e-catalog") purchasing contracts. The purchase of vehicles, trucks and/or fire apparatus/pumpers shall be expressly prohibited from being sourced through the e-catalog.
17. That a claims committee shall be created consisting of the City Attorney or his/her designee, a Deputy City Manager and the employee who is designated by the City Manager or Human Resources Director to perform the risk management functions, who shall have the authority to authorize the settlement of claims in accordance with the authority separately granted by the City Council. The settlement of all other claims shall require City Council approval.
18. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.
19. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer before the closing of the Fiscal Year, and in accordance with procedures established by the City Manager or his/her designee.
20. That the amounts of the annual non-uniformed employee pay increases for Fiscal Year 2015 are set as follows: Employee's annual increase shall be in that amount that will place the employee in the rate within their pay grade that most closely approximates a one percent (1%) increase, provided however, that the City Manager may increase this amount by an amount not to exceed an additional one and one half percent (1.5%) for any or all of the City's three major service classifications and the unclassified services based on the availability of funds and other management factors as determined by the City Manager.
21. That any employee pay increases for non-uniformed employees shall be given on the date or dates established by the City Manager based on the availability of funding for such purposes in Fiscal Year 2015. No employee pay increases shall be paid retroactively to an anniversary date or date of a performance

evaluation. Any increases for certification pay established in Ordinance 8064, as amended, or by resolution pursuant to the Ordinance as may be appropriate, may be given by the City Manager in the manner provided for in or by the Ordinance to the eligible employee classifications set forth in **Schedule B-1**.

22. That the City Manager shall take appropriate action to implement a \$0.25 per hour pay increase for temporary or seasonal employees who report to the Parks and Recreation Department, effective with the first pay period starting on or after May 1, 2015.
23. That for purposes of recognizing the longevity of an employee's service other than uniformed employees covered under collective bargaining agreements an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee. Provided however, nothing in this section authorizes the payment of a base salary that exceeds the maximum of an employee's salary range, and in no event shall the longevity increase under this section, when paid in whole or in part if payment in whole would exceed the maximum, result in the payment of a base pay that exceeds the maximum of an employee's salary range.
24. That the City Manager, in lieu of approving the payroll and longevity increases, is authorized to approve a one-time payment to non-uniformed employees within any or all of the City's three major service classifications and the unclassified services. To be eligible to receive the one-time payment, the employee must work as a city employee for a period of one year prior to the beginning of Fiscal Year 2015 and through the date the payment is made or prepared.
25. That all competency increases, one-time payments, and increases based on five (5) year increments of service, are subject to the availability of funds, and shall be expended as determined or authorized by the City Manager or his/her designee, except for such increases that are otherwise determined, and provided for in an employment contract.
26. That Appendix A, as required to be maintained by the Human Resources Director and approved by the Council by the Classification and Compensation Plan, Ordinance 8064, as amended, shall be as established as set forth in **Schedule D**, for such time until the Council, by resolution and as provided in Ordinance 8064, should amend or further revise.
27. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such Policy may be amended as deemed necessary by the City Manager.
28. That based on the availability of funds, the City Manager is authorized to expend no more than Ten Thousand and No/100 Dollars (\$10,000.00) from the Human Resources Department budget to establish and implement an on-the-

spot rewards program to provide small monetary awards (face value up to \$75.00) to immediately recognize extraordinary acts, accomplishments or contributions that are above and beyond the typical duties of the rewarded employee. On-the-spot rewards are not in lieu of merit increases or other salary increases based on sustained high quality employee performance.

29. That the business days of the City shall be Monday through Friday, excluding city observed holidays, except during such time periods in which the City Council has established a 4-10 work week for more than fifty percent (50%) of the employees assigned to work at City Hall, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.
30. That the 4-10 work week schedule shall continue for the employees assigned to work at City Hall and at such other facilities in the City with administrative functions that are appropriate for a 4-10 work schedule, as designated by the City Manager. The City Manager is authorized to make temporary adjustments to the schedule to serve the operational needs of the City. Any action by the Council to change or revise the application of the 4-10 work week schedule during the fiscal year shall be made by simple resolution of the City Council.
31. That the hotel occupancy taxes collected by the City shall be used by El Paso Convention and Performing Arts Center (Destination El Paso) and the Department of Museums and Cultural Affairs to fund their respective operations in accordance with El Paso City Code and State law. The functions of the Plaza Theater and McKelligon Canyon shall be included with the functions of El Paso Convention and Performing Arts Center (Destination El Paso). Expenditures from said fund shall be made in accordance with their respective adopted budgets.
32. That the fees generated for the Hire El Paso First Fund shall be collected by the City and shall be used to fund the Hire El Paso First operations in accordance with El Paso City Code and State law. Expenditures from the Hire El Paso First Fund shall be made in accordance with the adopted budget.
33. That the special additional hotel occupancy tax collected and deposited into the Venue Project Fund (as well as other amounts contained in such fund) shall be used by the City to pay its obligations under the Master Lease Agreement Relating to the Downtown Ballpark Venue Project between the City and the City of El Paso Downtown Development Corporation or other ballpark costs and such funds are appropriated accordingly.
34. That any travel expenditure for a City Council member that exceeds the FY 2015 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.
35. That City Council members must notify the City Manager or his/her designee of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts. Prior to the use of a P-Card for a proposed expenditure, City Council members should identify the municipal purpose of the expenditure and the proposed expenditure should be reviewed and authorized by the City Manager or his/her designee in writing, or authorized by the City council when required, prior to the expenditure. The

City Manager or his/her designee shall implement similar appropriate processes when utilizing discretionary funds through any other procurement or a reimbursement process.

36. That the City Manager or his/her designee is hereby authorized to approve the installation of residential street lights and the expenditures for the power and maintenance related thereto, including street lights paid by the people requesting the installation or which are paid for by using district discretionary funds, pursuant to the resolution of the City Council dated September 20, 1994 or other resolution as may be adopted by the Council.
37. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.
38. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.
39. That the Full-Time Equivalent (FTE) positions funded by the FY 2015 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized FTE positions for each department. Requests for changes and additions shall be approved by the City Manager and his/her designee and shall show the impact on the FY 2015 Budget and the estimated impact on expenditures for Fiscal Year 2016.
40. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2015 Budget, shall be funded until the earlier of October 14, 2014 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
41. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations, contingency appropriations, capital acquisition appropriations between departments within the General Fund or an Enterprise Fund (to the extent permitted by law), whether it is non-uniformed or uniformed salary expense, or capital expense, as necessary prior to closing the Fiscal Year 2015.
42. That based on the availability of funds the City Manager or his/her designee shall transfer on a monthly basis Twelve Thousand Five Hundred and No/100 Dollars (\$12,500.00) from the cash balance of the Bridge Operations Fund to the Bridge Maintenance Fund; and transfer on an annual basis revenues derived from ground lease franchises, not to exceed Seventy-Nine Thousand Two Hundred Eighty-Five and No/100 Dollars (\$79,285.00) from the Bridge Operations Fund to the Bridge Maintenance Fund. Any remaining balance shall be transferred to the General Fund, except for the Twenty Five Thousand and No/100 Dollars (\$25,000.00) Unreserved Balance and any required cash which must be maintained pursuant to any bridge revenue bond covenants or other debt financing.
43. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of Fiscal Year 2015, unless reviewed and approved not to lapse by the City Manager or his/her designee.

44. That within forty-five (45) working days after the close of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.
45. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.
46. That the annual parking meter revenue in account number 440200 (Parking Meter Revenue) shall be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund to satisfy debt requirements for the fiscal year, that the City Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.
47. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines and other charges.
48. That appropriation control for expenditures shall be at the Object Level.
49. That expenditures shall be in accordance with the City of El Paso – Strategic Thinking / Planning Project.
50. That **Schedule A** amends revenues and appropriations to the City Manager's filed budget; **Schedule B** amends staffing tables to the City Manager's filed budget and Schedule B-1 sets forth the employee classifications eligible for certification pay; **Schedule C** sets forth fees and formulas for calculating certain fees that are to be charged by the City for the goods and services it provides; **Schedule D** contains Appendix A, as referenced by the Classification and Compensation Plan, Ordinance 8064, as amended; and **Schedule E** sets forth the list of and approved budget for annualized computer software and hardware and computer software and hardware which may be purchased as a sole source. For any programs, activities, presentations, classes or services that have a fee range listed within Schedule C, the department head shall determine and charge a fee within the stated range for each particular activity, presentation, class or service in the amount that will recover the City's costs, as reviewed and approved by the City Manager or his/her designee. Any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council.
51. That the City Manager and his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost or other charge in accordance with City Ordinance no. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided

that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.

52. That the Department of Aviation shall be authorized to collect fees to recover costs, as set forth in Schedule C, relating to its duties in connection with a) the conduct of criminal history background checks and b) the Perishable Cargo Facility, and the Department shall collect the fees authorized in prior resolutions of the City Council for hangars, tie-downs, storage, heavy aircraft parking and for public parking at the Airport in the amounts as set forth in Schedule C attached hereto and that Schedule C shall be the controlling resolution for the establishment of the specific amounts of these fees.
53. That the Department of Aviation's Foreign Trade Zone is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) Blanket Admission – 214; (b) Direct Delivery Admission, Subsequent 214; (c) Application Fee, Subzone; (d) Application Fee, New General Purpose Site (Minor Boundary Modification); (e) Application Fee, Expansion Site (Magnet); and (f) Alteration Request. The Department of Aviation's Foreign Trade Zone is also authorized to collect fees based on other changes as outlined in the Schedule C.
54. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in Schedule C, the Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.
55. That the Council sets the level of City funding support to persons and organizations seeking such support for parades that fulfill a public purpose in accordance with the process, criteria and other provisions of Section 13.36.050 E of the City Code, in an amount not to exceed One Hundred Twenty-Five Thousand Six Hundred and No/100 Dollars (\$125,600.00), and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.
56. That the Council sets the maximum level of funding for the Parks and Recreation Department's needs assessment scholarship program, as may be established by ordinance, in the amount of Two Hundred Thousand and No/100 Dollars (\$200,000.00), with a maximum benefit per child of One Hundred Fifty and No/100 Dollars (\$150.00), for Fiscal Year 2015. Receipt of scholarship funds for the Club Rec Program does not count towards the One Hundred Fifty and No/100 Dollars (\$150.00) maximum per child limit.

57. That the Council authorizes the conduct of the Holiday Parade and Tree Lighting as a program event within the Parks and Recreation Department; authorizes funding for the event as established within the City's adopted budget; authorizes the City Manager to determine and approve participation in the event by other City departments and personnel; and authorizes the Parks and Recreation Department to charge the entry fee as set forth in Schedule C to non-City persons and organizations who submit entries in the parade.
58. That the City Manager is authorized to revise appropriate budgets within departments to provide for changes of functions and reorganization of departments approved by City Council, to include the transfer of functions, duties and related budgets between departments.
59. That the Director of Aviation be authorized to establish a Premium Parking program, as approved by the City Manager, at the airport for public parking at the premium fees set forth in Schedule C for a maximum of 24 parking spaces, which will allow parking spaces to be reserved in advance by members of the general public.
60. That the Director of Aviation be authorized to establish a program, as approved by the City Manager, at the airport whereby the Director or his/her designee may provide gratis airport parking passes as appropriate for the promotion of the airport as the premier gateway for air transportation for the El Paso region. The total value of all gratis parking passes provided under this program during FY 2015 shall not exceed Two Thousand and No/100 Dollars (\$2,000.00).
61. That the Director of Aviation be authorized to collect fees to recover costs for work completed by El Paso International Airport on behalf of airport tenants in the amounts set forth in Schedule C.
62. The Department of Aviation is authorized to collect fees to recover costs, as set forth in Schedule C, relating to duties in connection with (a) SIDA Badge issue; (b) AOA Badge issue; (c) SIDA and AOA Badge renewal; and (d) Reimbursement for Lost Not Returned Badges as listed on Schedule C.
63. That the Department of Environmental Services be authorized to charge a franchise fee in the amount determined by City Council for the wear and tear on the City's rights-of-way due to the use of City sanitation vehicles engaged in the collection, transportation and disposal municipal solid waste to an authorized municipal solid waste facility.
64. That the Department of Environmental Services is authorized to collect fees to recover costs, as set forth in Schedule C, related to safety articles sold upon request to members of the public accessing the Greater El Paso Landfill.
65. That the Department of Environmental Services is authorized to collect fees to recover costs, as set forth in Schedule C, related to the veterinary services provided at the City's spay and neuter clinic, for services provided at the clinic relating to the health and safety of animals, and for those services that are provided to the animal while at said clinic in order to bring the animal into compliance with the El Paso City Code's requirements.
66. That the City Manager be authorized to negotiate, award and enter into agreements and other documents on behalf of the City for the annualized computer licenses and maintenance of software and hardware specified in

Schedule E, and any software or hardware that are available only from one source pursuant to applicable laws, in amounts not to exceed the amounts in the FY2015 approved budget and set forth in **Schedule E**; provided, however, that all such agreements are in compliance with law and shall be approved as to form by the City Attorney.

67. That the City Council will allow the Public Service Board and the El Paso Water Utilities to use fire hydrants in conjunction with requiring developer dedications or payments for the costs of fire hydrants and together with the value of the use of City right-of-way in conjunction with system operation and functions by the Public Service Board and the El Paso Water Utilities, they are in exchange for all charges and costs owed by the City for water used by the City for firefighting purposes, and this provision supersedes all prior resolutions of the City Council regarding this matter.
68. That any non-expended funds in the General Fund appropriations allocated to each City Council representative at the end of Fiscal Year 2014 shall be allocated to the discretionary fund of each respective City Council representative in FY2015.
69. That the City Manager is authorized to establish or amend the budget for the Parkland dedication fees special fund for FY2015, provided that such funds are committed and used in compliance with applicable city ordinances.
70. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2015 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.
71. Effective September 1, 2014, City Council hereby establishes a franchise fee to be paid by the El Paso Water Utilities to compensate the City of El Paso for the use of city streets and rights of way for utility lines and wear and tear on City streets in a total amount of Three Million Five Hundred Fifty Thousand and No/100 Dollars (\$3,550,000.00). The City recommends that any resulting fee be assessed on non-residential meters. The City Manager and the Legal Department are authorized to take any and all action necessary to commence the collection of the franchise fee.

Ms. Lynly Leeper, Chief Budget Officer presented a PowerPoint presentation (copy on file in City Clerk's office) and read revisions into the record.

Mayor Leeser and Representatives Niland, Acosta, Robinson, Noe, Ordaz, Limón, 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. Ellen Smyth, Director of Environmental Services
4. Mr. Jay Banasiak, Director of Mass Transit
5. Mr. Paul Stresow, Director of International Bridges
6. Mr. Guillermo Sotomayor, Real Estate Manager for City Development.

The following members of the public commented:

1. Mr. David Nemir
2. Mr. Richard Schechter
3. Ms. Lisa Turner
4. Ms. Bea Heist

1ST MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:28 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 Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to adjourn the Executive Session at 11:58 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

3RD MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing on a Resolution that the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 30, 2014, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2015, which begins on September 1, 2014 and ends on August 31, 2015.

4TH MOTION

Motion made by Representative Acosta, seconded by Representative Romero, and carried to **ACCEPT** the cuts proposed by the City Manager in Alternative 2 that would exclude electric franchise fee and water fee increase and to task Mr. Gonzalez to look for new revenue streams accompanied by financial analysis. **THE MOTION FAILED.**

AYES: Representatives Romero, Acosta, Robinson and Limón

NAYS: Mayor Leeser and Representatives Lilly, Noe, Ordaz and Niland

Mayor Leeser broke tie, voting Nay.

5TH MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **ADOPT** budget to include parks and zoo end-user fees, to delete the electric fee rate and to **DIRECT** the City Manager and the City Attorney that effective September 1, 2014, City Council hereby establishes a franchise fee to be paid by the El Paso Water Utilities to compensate the City of El Paso for the use of city streets and rights of way for utility lines and wear and tear on City streets in a total amount of Three Million Five Hundred Fifty Thousand and No/100 Dollars (\$3,550,000.00). The City recommends that any resulting fee be assessed on non-residential meters. The City Manager and the Legal Department are authorized to take any and all action

necessary to commence the collection of the franchise fee. **THE MOTION PASSED.**

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

NAYS: Representatives Robinson and Limón

6TH MOTION

Motion made by Representative Noe, seconded by Mayor Pro Tempore Niland, and carried to **DIRECT** City staff to prepare an LRC meeting for an ordinance to institute a 1% franchise fee on commercial haulers to increase by 1% for the next four years when it will level off and to dedicate a portion of those fees to City fund balance.

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

NAYS: Representative Limón

ABSTAIN: Representative Robinson

7TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **ADOPT** budget resolution.

-
- 3.2.** Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and unanimously carried to **RATIFY** the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2015 for the City of El Paso.

Mayor Leeser and Representatives Acosta, and Limón commented.

Mr. Tommy Gonzalez, City Manager, commented

The following members of the public commented:

1. Ms. Terri Reed
2. Mr. Richard Schechter

.....

3.3. ORDINANCE 018229

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2015 TAXES.**

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, Ordaz, 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**.

.....

EL PASO COUNTY 911 DISTRICT FY2015 BUDGET

.....

4. CITY MANAGER:

-
- 4.1. Motion made by Representative Limón, seconded by Representative Ordaz, and unanimously carried to **APPROVE** the El Paso County 911 District FY 2015 Budget to be presented by Mary Kozak, Director.

NOT PRESENT FOR THE VOTE: Representative Noe

Ms. Mary Kozak, Director of 911 District, presented a PowerPoint presentation (copy on file in City Clerk's Office).

.....

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, Noe, Ordaz, Limón, and Niland

NAYS: None

.....

5. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 12, 2014, the Legislative Review Meeting of the Whole of August 11, 2014, and the Special City Council Meeting of August 12, 2014.

.....

6. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

NO ACTION was taken on this item.

.....

7. RESOLUTIONS:

.....

7.1.

***RESOLUTION**

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has granted United Service Organization (USO) of Fort Bliss permission to utilize City rights-of-way for the Oryx Challenge Bike Tour from 7:30 a.m. to 12:30 p.m. on September 14, 2014 (hereinafter referred to as "Event"); and

WHEREAS, The City has found the Event serves the public purpose of providing recreational opportunities for residents and visitors of El Paso; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including Montana Avenue (US 62/180), Global Reach Drive (Spur 601), and Steve Petro Drive (US 180) within El Paso, Texas; and

WHEREAS, The Event will utilize both City and State rights-of-way: and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the City Manager be authorized to sign an Agreement for The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated portions of Montana Avenue (US 62/180), Global Reach Drive (Spur 601), and Steve Petro Drive (US 180), and the companion agreement between the City of El Paso and United Service Organization (USO) of Fort Bliss to assume responsibilities for and during the Oryx Challenge Bike Tour from 7:30 a.m. to 12:30 p.m. on September 14, 2014, an event scheduled to exceed four hours in length and found by the City to serve a public purpose.

7.2.

***RESOLUTION**

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

WHEREAS, Austin Allen (hereinafter referred to as "Grantee") is producing The Robinson Street Block Party- August (2) to be open to the public from 12:00 p.m. to 9:00 p.m. on August 31, 2014 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee has submitted an application for a Special Privilege Permit pursuant to Title 15.08.120 (D) of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on East Robinson Avenue between North Mesa Street and North Oregon Street, including the driveway at 2525 North Mesa Street, and the portion of the alley servicing the 2500 block of North Mesa ending at 2501 North Mesa Street in conjunction with the Event; and

WHEREAS, the Grantee has indicated their intent to authorize Drag In, LLC d/b/a The Palomino Tavern and Star City Kitchen Bar, (hereinafter referred as "TABC Permittee") to provide for the temporary sale and service of alcoholic beverages within the identified closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission (TABC) requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within City rights-of-way, prior to issuance of such permit; and

WHEREAS, the Grantee assumes full responsibility for the TABC Permittee, including verification that the Permittee has obtained a permit for the temporary sale and service of alcoholic beverages from the TABC prior to the Event.

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

That the temporary sale and service of alcoholic beverages by Austin Allen and Drag In, LLC d/b/a The Palomino Tavern and Star City Kitchen Bar, in the closed portions of City rights-of-way on East Robinson Avenue between North Mesa Street and North Oregon Street, including the driveway at 2525 North Mesa Street, and the portion of the alley servicing the 2500 block of North Mesa ending at 2501 North Mesa Street from 12:00 p.m. to 9:00 p.m. on August 31, 2014 is a permissible activity in conjunction with The Robinson Street Block Party- August (2), upon issuance of the required permits from the Texas Alcoholic Beverage Commission and the City of El Paso.

- 7.3. *Motion made, seconded, and unanimously carried to **POSTPONE** one week the item that the City Manager be authorized to sign a Management Services Agreement by and between the City and the Camino Real Regional Mobility Authority (CRRMA) and any related documents necessary, whereby the City shall provide various administrative and management services to the CRRMA.

7.4.

RESOLUTION

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

WHEREAS, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

WHEREAS, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

WHEREAS, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the

Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

Ms. Denise Grizzle, Assistant Comptroller, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Noe and Limon commented.

The following City staff members commented:

1. Ms. Theresa Cullen, Deputy City Attorney
2. Ms. Marcia Tuck, Open Space Trails and Parks Coordinator

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

8. BOARD APPOINTMENTS:

8.1. *Motion made, seconded, and unanimously carried to **APPOINT** Jose M. Landeros to the City Plan Commission by Representative Claudia Ordaz, District 6.

8.2. *Motion made, seconded, and unanimously carried to **APPOINT** Oscar Aguilar to the Bicycle Advisory Committee by Mayor Oscar Leeser.

9. NOTICE FOR NOTATION:

9.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donations of \$300.00 from Clear Channel, for 'Summer Programs' scheduled in District 7.

REGULAR AGENDA - INTRODUCTIONS

10. 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:

10.1. An Ordinance granting a non-exclusive franchise to "Loretto Investment Corporation"

to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described in the ordinance.

PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2014

- 10.2. An Ordinance granting a non-exclusive franchise to "Bin There Dump That" to operate and maintain a solid waste collection and hauler service within the City of El Paso subject to the terms and conditions described in the ordinance.

PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2014

- 10.3. An Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), Section 20.18.270 (Relocation of certain billboards for a City Public Works Project or City or State Roadway Improvement Project) to amend the existing provisions in their entirety to allow for the relocation of existing nonconforming billboards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [POSTPONED FROM 08-12-2014]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2014

REGULAR AGENDA – PUBLIC HEARINGS

ITEMS 11.1, ADD 2.1 AND ADD 2.2 TAKEN TOGETHER

11. CITY ATTORNEY:

- 11.1. *Motion made, seconded, and unanimously carried to **DELETE** an Ordinance amending Ordinance No. 16090, which granted a franchise to El Paso Electric Company, (as amended by Ordinance No. 17460, which increased the street rental charge) to increase street rental charge.

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Richard Schechter
3. Ms. Lisa Turner

12. CITY DEVELOPMENT:

- 12.1. *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) Creating a New Credit Access Business and Pawnshop use and definition, amending Chapter 20.10 (Supplemental Use Regulations) to add appropriate standards and regulations for Credit Access Businesses and amending Appendix A (Table of Permissible Uses) to allow Credit Access Businesses in Commercial districts by Special Permit and Appendix C (Parking Regulations) of the El Paso City Code. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Mr. Mark Walker, citizen, commented.

.....
12.2. *Motion made, seconded, and unanimously carried to **POSTPONE** nine weeks the public hearing on an Ordinance approving a detailed site development plan for Kern View Estates Unit Two, 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: North of San Mateo Lane and East of Las Vegas Drive. Property Owner: Piedmont Group LLC. PZDS14-00004

.....
12.3. **ORDINANCE 018230**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A-54, BLOCK 1, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O (APARTMENT-OFFICE) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: EAST OF LEE TREVINO AND NORTH OF VISTA DEL SOL. PROPERTY OWNER: MARCOS & ESTHER CALDERON. PZRZ13-00032**

Representative Limón commented.

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

Motion duly made by Representative Limón, 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, Ordaz, 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**.

.....
12.4. **ORDINANCE 018231**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO HOTEL DON QUIXOTE LTD FOR THE USE, MAINTENANCE, AND REPAIR OF PORTIONS OF CITY RIGHT-OF-WAY ALONG MISSOURI AVENUE ADJACENT TO THE PROPERTY LOCATED AT 600 NORTH EL PASO STREET, EL PASO TEXAS.**

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

The following City staff members commented:

1. Mr. Mathew McElroy, Director of City Development, commented.
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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 and Niland

NAYS: Representative Limón

NOT PRESENT FOR THE VOTE: Representative Ordaz

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

-
- 12.5.** *Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance renewing the special privilege license granted to Navajo refining company by ordinance no. 014032 and accepting the assignment to HEP pipeline, LLC. For the maintenance, use and repair of the existing multi-product pipeline within portions of city right-of-way beneath market avenue just east of eastside street for a term of fifteen years with one renewable fifteen year term.

.....

13. DEPARTMENT OF TRANSPORTATION:

.....

13.1. ORDINANCE 018232

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE 1 - ONE-WAY STREETS), TO ADD A NEW LOCATION FOR THE ALLEY NORTH OF YANDELL AVENUE, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Director for Department of Transportation, 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, Ordaz, 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

.....

14. CITY DEVELOPMENT:

-
- 14.1.** *Motion made, seconded, and unanimously carried to **POSTPONE** three weeks a Resolution approving a detailed site development plan PZDS14-00021 for a portion of Lot 3, Block 19, Regal Crest Unit Three, Replat "B", 436 Redd Road, 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: 436 Redd Road.
Property Owner: Lowe's Home Centers, LLC. PZDS14-00021

.....
15. COMMUNITY AND HUMAN DEVELOPMENT:
.....

15.1.

RESOLUTION

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

That City Council adopt policies and procedures for the 41st Year (FY 2015-2016) Community Development Block Grant (CDBG) Program, the FY 2015-2016 Emergency Solutions Grant (ESG) Program, the FY 2015-2016 Housing Opportunities for Person with AIDS (HOPWA) Program, and for the utilization of CDBG Unprogrammed Funds; all such policies and procedures attached hereto as Exhibits A through M; that City Council establish September 11, 2014 as the deadline for the submission of Letters of Intent from CDBG Public Service, ESG and HOPWA agencies; that City Council establish October 23, 2014 as the deadline for submission of all citizen, City Representative and Neighborhood Services requests; that City Council establish October 27, 2014 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; and that City Council establish December 11, 2014 as the deadline for the submission of all FY 2015-2016 City Department, Fair Housing, Microenterprise Technical Assistance, Non-Profit/Governmental Entity Public Facility and Volunteer Housing Rehabilitation application packets.

Representatives Acosta and Robinson commented.

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

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

.....
16. PARKS AND RECREATION:
.....

16.1. *Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution that City Council accept the recommendation from the Parks and Recreation Advisory Board to rename a portion of the Rio Grande Trail North Park located in the City of El Paso, El Paso County, Texas, to the Step Towards a River (STAR) Park.

.....
17. POLICE DEPARTMENT - PUBLIC HEARING:
.....

17.1.

RESOLUTION

WHEREAS, the City Council originally adopted a juvenile curfew ordinance in or about 1991; and

WHEREAS, the juvenile curfew ordinance presently enforced is found in Sections 10.20.010 through 10.20.054 of the El Paso City Code (hereinafter "Curfew Ordinance"); and

WHEREAS, Texas Local Government Code Section 370.002 requires home-rule municipalities to review their juvenile curfew ordinances and act on whether to continue such ordinance every three years; and

WHEREAS, the City Council conducted its last review of the Curfew Ordinance on the 30th day of August, 2011 and in conjunction voted to continue said ordinance; and

WHEREAS, the City Council must now review the Curfew Ordinance before the 30th day of August, 2014 in accordance with the Texas Local Government Code; and

WHEREAS, the City Council has received public comment at a public hearing held on this day regarding the need to continue the Curfew Ordinance.

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

- (1) That the City Council has reviewed the effects of the Curfew Ordinance on the community and the effects of the ordinance on problems it was intended to remedy.
- (2) That the City Council approves the report presented by the El Paso Police Department regarding the effects of the curfew and its impact on juveniles, crime and crime victims.
- (3) That the City Council finds it in the best interests of the City to reduce juvenile crime and victimization, while promoting juvenile safety and well-being.
- (4) That the City Council finds that the Curfew Ordinance shall continue in its present form.

Representatives Robinson and Limón commented.

Assistant Police Chief Michelle Gardner presented a PowerPoint presentation (copy on file in City Clerk's office).

1ST MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Niland, and unanimously carried to **CLOSE** the Public Hearing on the report on Municipal Code Chapter 10.20, Sections 10.20.010 – 10.20.054, Offenses By or Against Minors, Curfew, as required every third year by Local Government Code, Section 370.002; to take public comment on the need to continue the ordinance; and for review, discussion and action by City Council concerning continuation of the ordinance.

2ND AND FINAL MOTION

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

ADDITION TO THE AGENDA

REGULAR AGENDA - INTRODUCTION

1. 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, AS REVISED** for

public hearing:

1.1

An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), to delete boarding house, group home, rooming house and transitional housing and add definitions for disabled group dwelling, group residential facility, homeless shelter, lodging house and emergency shelter; Chapter 20.08 (Appendix A), Table of Permissible Uses, Sections 3 and 13 – to delete transitional housing, boardinghouse, and rooming house, to allow homeless shelter by special permit in certain commercial and manufacturing districts, to allow emergency shelter by right in all apartment and commercial districts; to allow disabled group dwelling, assisted living facility, convalescent homes, intermediate care facility, nursing home, rest home and boarding home by right in residential, apartment, commercial, and certain special purpose districts, by detailed site plan in certain other special purpose districts and by master zoning plan in the residential mixed used district; and group residential facility, assisted living facility, convalescent home, intermediate care facility, nursing home, rest home, and boarding home by special permit in residential, by right in apartment, commercial, and certain special purpose districts, by detailed site plan in certain other special purpose districts and by master zoning plan in the residential mixed use district; to delete boarding home facility 4 residents or less and 5 residents or more, to allow a lodging house by right in apartment and commercial districts; Chapter 20.10 (Supplemental Use Regulations) to delete congregate home, amend the standards for boarding home facilities, add standards and regulations for disabled group dwelling; group residential facility, and homeless shelter; and (Appendix C) Table of Parking Requirements and Standards to delete transitional housing, boarding house, and rooming house, and to add standards for homeless shelter, emergency shelter, disabled group dwelling, and group residential facility, of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 9, 2014

2. CITY ATTORNEY:

ITEMS 11.1, ADD 2.1 AND ADD 2.2 TAKEN TOGETHER

- 2.1. *Motion made, seconded, and unanimously carried to **DELETE** the item on El Paso Electric Company's Petition and Statement for approval of Rate Schedule 94, Supplemental Franchise Fee Rate.
- 2.2. *Motion made, seconded, and unanimously carried to **DELETE** the item on a hearing requested by Western Refining Company, L.P. on rate change effectuated by the establishment of Rate Schedule 94.
- 2.3. Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** comments to the Rail Road Commission's proposed new rules regarding rate case expenses and discovery (1.86, 1.87, and 7.5530) to be filed.

.....
EXECUTIVE SESSION

Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:05 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:

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to adjourn the Executive Session at 2:54 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Limón

.....
EX1. Kern View Estates Unit Two, El Paso, Texas (551.072)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Manager, or his designee, be authorized to explore options to negotiate for the purchase of property located in Kern View Estates Unit Two, El Paso, El Paso County, Texas, in accordance with the recommendations by staff; and that upon the successful completion of negotiations, a contract for the purchase of the property be presented to City Council for consideration.

NOT PRESENT FOR THE VOTE: Representative Limón

EX2. 900 Radford St., El Paso, Texas (551.072)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Manager, or his designee, be authorized to explore options to negotiate for the purchase of the property located at 900 Radford Street, El Paso, El Paso County, Texas, in accordance with the recommendations by staff; and that upon the successful completion of negotiations, a contract for the purchase of the property be presented to City Council for consideration.

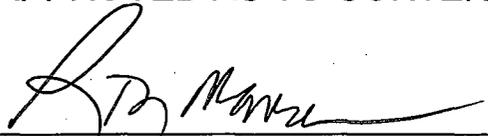
NOT PRESENT FOR THE VOTE: Representative Limón

.....
ADJOURN

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 2:56 p.m.

NOT PRESENT FOR THE VOTE: Representative Limón

.....
APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk