

OSCAR LEESER
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 20, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Carl Robinson, Michiel R. Noe, Lilia Limón and Cortney Carlisle Niland. Late arrival: Eddie Holguin, Jr. at 8:49 a.m. The invocation was given by CIMA Chaplain Carlos Clugy-Soto, followed by the Pledge of Allegiance to the Flag of the United States of America.

PLEDGE OF ALLEGIANCE

JACK THOMAS NILAND
JUDGE WESSON NILAND
MADELINE NORTH
GARRETT NORTH
TATE JERNIGAN
LUKE JERNIGAN
ADDISON STEWART

MAYOR'S PROCLAMATION

WOMEN'S EQUALITY DAY

CONSENT AGENDA

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

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

NAYS: None

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 13, 2013, and the Legislative Review Meeting of the Whole of August 12, 2013.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A. FOR NOTATION ONLY

*Motion made, seconded, and unanimously carried to **APPROVE** for notation: Amendments to Human Resources policies and procedures that were removed from Ordinance 8065 (Civil Service Rules and Regulations) and placed into personnel policies following the March 6, 2012 amendments to Ordinance 8065 - (Application Policy; Certification Policy; Classification Policy; Conditions of Employment Policy; Contact Information Policy; Exam Ratings Policy; Exam Standards Policy; Promotional Process Policy; Regular Part-Time Employees Policy; Temporary Appointments Policy; Temporary & Provisional Appointments Policy; Working Out-of-Classification Policy). Said amendments are being made to conform to changes to Article VI of the City Charter as approved by voters at the May 13, 2013 general election.

Mayor Leeser and Representatives Acosta and Limón commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. David Ochoa, citizen, commented.

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3B. FOR NOTATION ONLY

*Motion made, seconded, and unanimously carried to **APPROVE** for notation to accept the donation of \$500 from Fred Loya Insurance Agency Inc. for Movies in the Park in District 5.

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4A. – 4B. INTRODUCTIONS

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

- 4A.** An Ordinance amending Ordinance 8064 (Classification and Compensation Plan), to amend the Ordinance to comport with the recent amendments to the Charter of the City of El Paso, Texas, and to make other non-substantive revisions to various sections of the Ordinance.
- 4B.** An Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), to amend various sections of Rule Nos. 2, 4, 5, 6, 8 and 10 to comport with the recent amendments to the Charter of the City of El Paso, Texas; to delete Rule No. 3 and mark as "RESERVED;" to amend Rule No. 6 to correspond with City personnel policies; and to correct a scrivener's error in Rule No.2.

PUBLIC HEARING WILL BE HELD ON AUGUST 27, 2013, FOR ITEMS 4A – 4B

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5A.

ORDINANCE 18060

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 9, CANUTILLO INDUSTRIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: ABRAM WIEBE DYCK AND AGANETHA FEHR HILDEBRAND, LOCATION: SOUTH OF DESERT BOULEVARD AND NORTH OF LOS MOCHIS DRIVE, PZRZ11-00043**

Mayor Leeser commented.

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development commented.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: None

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

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5B.

ORDINANCE 18061

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 7 AND 7A, SECTION 16, BLOCK 80, TOWNSHIP 1 TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: DIRECT HOME SALES INC., LOCATION: SOUTH OF PATRIOT FREEWAY AND EAST OF MESQUITE HILL DRIVE, PZRZ13-00019.**

Mayor Leeser and Representative Robinson commented.

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development commented.

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: None

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

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5C. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of Tract 1-D-1, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: north of Album and east of McRae. Property Owner: LUCMOR, LLC. PZRZ13-00017

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5D.

ORDINANCE 18062

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00010, TO ALLOW FOR A GROUND MOUNTED 55' PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS LOTS 11-12, BLOCK 34, CAMPBELL'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY**

CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1100 S. OREGON STREET. PROPERTY OWNER: SILVA DIVERSIFIED, INC. PZST13-00010

Mayor Leeser and Representatives Acosta, Limón and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses
3. Mr. Mathew McElroy, Director of City Development

Ms. Deborah Weiss, representing property owner, commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Lilly, that the Ordinance be **ADOPTED**, with the **CONDITION** that \$5000 given by Verizon be devoted to improving the landscape area. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

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

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5E.

ORDINANCE 18063

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00026, TO ALLOW FOR THE EXPANSION OF A MAJOR UTILITY FACILITY FOR EL PASO ELECTRIC COMPANY AND IMPOSING CONDITIONS ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 7, CELINA PLAZA, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.730 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1165 SUNMOUNT DRIVE. APPLICANT: EL PASO PUBLIC SERVICE BOARD (PSB). PZST12-00026**

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representative Acosta commented.

Ms. Lupe Cuellar, Land Manager and Counsel for El Paso Water Utilities, commented.

Ms. Marybeth Stevens, El Paso Electric Company, commented.

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

NAYS: None

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

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6A.

ORDINANCE 18064

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBER 017862 WHICH ESTABLISHED OPERATING PROCEDURES AND SET FEES FOR FOREIGN-TRADE ZONE NO. 68 AND TO ALLOW THE REVISIONS TO ZONE SCHEDULE NO. 1, RATES, RULES, CHARGES AND REGULATIONS APPLYING AT FOREIGN TRADE ZONE NO. 68, EL PASO, TEXAS, TO REPLACE IN ITS ENTIRETY ARTICLE ONE, FORMERLY KNOWN AS "PRIVILEGES OF FOREIGN TRADE ZONES" WITH A NEW SECTION CALLED "SCOPE OF FOREIGN TRADE ZONES"; TO MAKE OTHER CHANGES TO BE CONSISTENT WHEN REFERRING TO DEFINED TERMS THROUGHOUT THE TARIFF SCHEDULE; TO REMOVE ARTICLE II FOR REDUNDANCY; TO UPDATE SECTION 3.01 REGARDING MERCHANDISE PERMITTED IN A ZONE; TO UPDATE SECTION 3.07 REGARDING EXCLUSION FROM ZONE OF GOODS OR PROCESS OF TREATMENT; TO UPDATE THE NAMES OF REQUIRED FEDERAL FORMS; TO UPDATE THE ADMISSION LANGUAGE IN SECTION 4.17 TO ALLOW FOR BLANKET ADMISSIONS; TO AMEND SECTION 4.27 TO REQUIRE COMPLIANCE WITH SPECIAL ORDERS OF THE FOREIGN-TRADE ZONES BOARD; TO ADD SECTION 4.37 REGARDING GRANTEE LIABILITY; TO ADD A FEE FOR ALTERATIONS TO A ZONE SITE AND TO CHANGE CERTAIN FEES IN ARTICLE V; TO ADD LANGUAGE TO AMEND CERTAIN DEFINITIONS AND TO ADD OTHER DEFINITIONS; AND TO ADD APPENDICES D AND E.**

Representative Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Jose Quinonez, FTZ Manager

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, Holguin, Limón and Niland

NAYS: None

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

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6B.

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 \$139,375,803.00, 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

2014 through FY 2018 and to authorize the use of a combination of Certificates of Obligation, revenue bonds, or other sources to fund the Airport's Capital Program pursuant to the City's Debt Management Policy and that the City Manager be authorized to establish funding sources and execute any and all documents necessary for the execution of these projects.

Ms. Monica Lombrana, Director of Aviation, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

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7A.

ORDINANCE 18065

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.04 (GENERAL PROVISIONS), SECTION 1.04.070 (VESTING OF PROJECTS), OF THE EL PASO CITY CODE, TO AUTHORIZE A FEE FOR VESTING APPLICATION PERMITS, THE PENALTY BEING AS PROVIDED IN SECTION 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

Mayor Leeser commented.

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

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

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

NAYS: None

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

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7B. CITY DEVELOPMENT

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.106 (Permit Fees), Subsection 18.02.106.28 (Starting Work Without a Permit) of the El Paso City Code, to increase the amount of the Permit For Starting Work Without A Permit. The penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code and **BRING BACK** to Council an Ordinance that distinguishes between contractors and homeowners for penalties and to include a cost analysis for both.

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

The following City staff members commented:

1. Mr. Mathew McElroy, Director of City Development
2. Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses

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

8.

ORDINANCE 18066

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) TO ESTABLISH THE DAYS AND TIMES WHEN PARKING METER FEES SHALL APPLY, TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO RECOMMEND EXCEPTIONS AND TO ADD EXCEPTIONS; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Director of Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representative Niland commented.

Mr. Dennis Melonas, Central Business Association, 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, Holguin, Limón and Niland

NAYS: None

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

ITEM 9 TAKEN INTO EXECUTIVE SESSION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:55 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 10:06 a.m. and **RECONVENE** the meeting of the City Council.

9.

ORDINANCE 18067

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), TO AMEND CHAPTER 2.110 (CITY ORGANIZATIONAL STRUCTURE) OF THE CITY CODE TO CREATE AND ESTABLISH THE DUTIES OF THE CHIEF FINANCIAL OFFICER; TO CREATE AND ESTABLISH THE DUTIES OF THE PURCHASING AND STRATEGIC SOURCING DEPARTMENT AND THE OFFICE OF THE COMPTROLLER.**

Representatives Holguin and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

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

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
 NAYS: None

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

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10.

ORDINANCE 18068

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.25 (EL PASO ZOO), SECTION 13.25.010 (EL PASO ZOO FEES) OF THE EL PASO CITY CODE TO UPDATE THE FEES AUTHORIZED TO BE CHARGED BY THE CITY THROUGH THE EL PASO ZOO, WHICH WILL BE SET BY THE CITY'S BUDGET RESOLUTION OR OTHER DULY AUTHORIZED RESOLUTION.**

Mr. Steve Marshall, Director of Zoo, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Niland commented.

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative 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, Holguin, Limón and Niland
 NAYS: None

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

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11A.

**RESOLUTION
 CITY OF EL PASO
 FISCAL YEAR 2014 BUDGET RESOLUTION**

WHEREAS, on June 27, 2013, the City Manager of the City of El Paso filed the Fiscal Year 2014 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 10, 2013, the City Clerk published notice in the El Paso Times, a newspaper

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 2014 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 20, 2013, 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 27, 2013, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2014, which begins on September 1, 2013 and ends on August 31, 2014.

2. That any balance in the General Fund on August 31, 2013 shall first be allocated to restore the reserve for claims in an amount equal to One Million Dollars (\$1,000,000.00). The City Manager 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 15, 2013, with a financial report showing all appropriations for Fiscal Year 2014 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 Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand 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 Dollars (\$50,000.00) between departments and/or funds, to the extent permitted by law. Budget transfers exceeding Fifty Thousand 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 establish or amend the budget for any capital projects within a Capital Improvement Program (CIP) approved by the City Council,

provided that the addition or deletion of a project's budget of more than One Million Dollars (\$1,000,000.00) requires additional Council approval and expenditures are in compliance with applicable laws and policies and a quarterly report is provided to Council on the budgets for capital projects that the City Manager or her designee has established, amended, added or deleted.

9. 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.

10. That the City Manager or his/her designee is hereby authorized to establish budgets and staffing table changes for grants and similar awards when the applications for such grants and awards have been previously approved by the City Council or the City Manager. All grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state 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 grants and capital projects.

11. That the City Manager or his/her designee is hereby authorized to appropriate funds associated with donations made to the City under the amount of Fifty Thousand Dollars (\$50,000.00).

12. 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.

13. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.

14. 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.

15. That the City Manager shall add appropriate amendments to the City's health plan documents for eligible retirees and their eligible dependents (which amendments shall be in effect until such time as the Council should further amend, revise or change these provisions in the health plan) as follows:

a. Non-Medicare eligible retirees and eligible dependents shall have the option to enroll in the Fully Insured Non-Medicare Retiree Health Plan.

b. Medicare-eligible retirees and eligible dependents must have both Medicare Part A and Part B coverage in order to enroll in the Medicare Advantage Plan and Medicare Part D pharmacy coverage.

c. Medicare-eligible retirees who retired AFTER January 1, 1986, and do not have both Medicare Part A and Part B coverage will continue to be covered under City health plan until date that retiree enrolls in Medicare Advantage Plan and Medicare Part D pharmacy coverage after submitting evidence of Medicare enrollment to City, but no later than July 1, 2014.

d. Medicare-eligible retirees who retired PRIOR TO January 1, 1986, and do not have Medicare Part A and Part B will continue to be covered under City health plan until date that retiree enrolls in Medicare Advantage Plan and Medicare Part D pharmacy coverage.

16. That the City Manager is authorized to amend the wellness program in the health benefit plan, as necessary, for all non-uniformed employees, elected officials and employees of affiliated service contractors participating in a City health plan in accordance with the amount of funding established for such a program in the approved FY2014 budget in order to engage these persons to lead healthier lifestyles by providing and promoting a culture of health and wellness which leads to lifelong habits and more productive lives.

17. That the amounts of the annual competency increases for non-uniformed employees for Fiscal Year 2014 are set as follows: Employee's annual competency 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.

18. That any competency increases for non-uniformed employees shall not be given until the fourth quarter of Fiscal Year 2014, and the City Manager shall establish the exact date or dates for giving any such increases based on the availability of funding for such purposes as of the start of the fourth quarter of Fiscal Year 2014. No competency increase 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.

19. 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, 2014.

20. 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.

21. That the City Manager, in lieu of approving the competency 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 2014 and through the date the payment is made or prepared.

22. 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.

23. 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.

24. 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.

25. 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 50% of the employees assigned to work at City Hall, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.

26. 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.

27. That the services paid from the postage/copy center, fleet services and information technology shall be financed and accounted for utilizing an internal service fund basis with sufficient charges from departments to cover all appropriate costs.

28. That the hotel occupancy taxes collected by the City shall be used by the Greater El Paso Convention & Performing Arts Center 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 the Greater El Paso Convention and Performing Arts Center. Expenditures from said fund shall be made in accordance with their respective adopted budgets.

29. 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.

30. That any travel expenditure for a City Council member that exceeds the FY 2014 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. That the Full-Time Equivalent (FTE) positions funded by the FY 2014 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 2014 Budget and the estimated impact on expenditures for Fiscal Year 2015.

36. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2014 Budget, shall be funded until the earlier of October 14, 2013 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

37. That the compensation of Municipal Judges and substitute Associate Municipal Judges shall be increased to \$50,000.00 for Regular Judges, \$60,000.00 for the Presiding Judge, and \$50,000.00 for the Court of Appeals Judge.

38. 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 2014.

39. That based on the availability of funds the City Manager or his/her designee shall transfer on a monthly basis \$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 \$75,509.00 from the Bridge Operations Fund to the Bridge Maintenance Fund. Any remaining balance shall be transferred to the General Fund, except for the \$25,000 Unreserved Balance and any required cash which must be maintained pursuant to any bridge revenue bond covenants or other debt financing.

40. That all non-expended appropriations in the General Fund and Enterprise Funds shall lapse at the end of Fiscal Year 2014, unless reviewed and approved not to lapse by the City Manager or his/her designee.

41. 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.

42. 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.

43. 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.

44. 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.

45. That appropriation control for expenditures shall be at the Object Level.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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 \$144,000.00, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.

52. 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 \$200,000.00, with a maximum benefit per child of \$150.00, for Fiscal Year 2014. Receipt of scholarship funds for the Club Rec Program does not count towards the \$150.00 maximum per child limit.

53. 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.

54. That the City Manager or his/her designee be authorized to appropriate funds not to exceed \$1,200,000.00 from the restricted account called Red Light Camera Fund for the purpose of Public/Traffic Safety programming as permitted by state law, as deemed necessary by the City Manager and upon the availability of funds.

55. 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.

56. 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 50 parking spaces, which will allow parking spaces to be reserved in advance by members of the general public.

57. 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 2014 shall not exceed \$2,000.00.

58. 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.

59. 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.

60. That the City Manager be authorized to appropriate funds in the enterprise fund in an amount not to exceed \$368,500.00 for the procurement of parking meters for the International Bridge Department, which cost will be capitalized and payment budgeted annually from the incremental parking meter revenues over a period not to exceed the life of the assets.

61. That the City Council authorize a \$0.50 increase, to become effective only upon accepted formal agreement with U.S. Customs and Border Protection, to International Bridge passenger and commercial vehicles heading Southbound in order to raise estimated revenue of \$3,100,000.00, which is to be used for the provision of U.S. Customs and Border Protection services to include, but shall not be limited to, the salaries and expenses of individuals employed by U.S. Customs and Border Protection, and any other costs incurred by U.S. Customs and Border Protection relating to such services. The agreement may include additional U.S. Customs and Border Protection services at existing U.S. Customs and Border Protection-serviced facilities (including, but not limited to payment for overtime), the provision of U.S. Customs and Border Protection services at new facilities, and expanded U.S. Customs and Border Protections services at land border facilities.

62. 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 FY2014 approved budget and set forth in **Schedule E**; provided, however, that such all such agreements are in compliance with law and shall be approved as to form by the City Attorney.

63. That the City Council will allow the Public Service Board and the El Paso Water Utilities to use the fire hydrants in conjunction with requiring developer dedications or payments for the costs of the 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.

64. That any non-expended funds in the personal services appropriations allocated to the Mayor and each City Council representatives at the end of Fiscal Year 2013 shall be allocated to the discretionary fund of each respective City Council representative and Mayor in FY2014.

65. That the City Manager is authorized to establish or amend the budget for the Parkland

dedication fees special fund for FY2014, provided that such funds are committed and used in compliance with applicable city ordinances.

66. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2014 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.

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, and Limon commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Kurt Fenstermacher, Interim Director for Environmental Services

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. David Ochoa

1ST 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 27, 2013, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2014 for the City of El Paso, Texas.

2ND MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **APPROVE** 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 27, 2013, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2014 for the City of El Paso, Texas.

THE MOTION PASSED.

AYES: Mayor Leeser and Representatives Lilly, Romero, Noe, and Niland

NAYS: Representatives Acosta, Robinson, Holguin and Limón

Mayor Leeser broke the tie, voting Aye.

3RD AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Limón, and carried to **DIRECT** that during the year when the City Manager has identified savings, the first \$40,000 be used to restore discretionary funds to the City Representatives. **THE MOTION FAILED.**

AYES: Representatives Acosta, Robinson, Noe and Limón

NAYS: Mayor Leeser and Representatives Lilly, Romero, Holguin, Niland and

Mayor Leeser broke the tie, voting Nay.

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11B. CITY MANAGER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to **APPROVE** to Ratify the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2014 for the City of El Paso, Texas.

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

NAYS: Representatives Robinson, Holguin and Limón

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11C.

ORDINANCE 18069

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2014 TAXES.**

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Lilly, that the Ordinance be **ADOPTED** that the property taxes be increased by the adoption of a tax rate \$0.678378 of one percent of the assessed property value, which is effectively a 2.21% increase in the tax rate.

This tax rate consists of \$0.445699 of one percent for the General Fund for the purpose of defraying current municipal expenses and \$0.232679 of one percent to pay interest on and providing a sinking fund to redeem bonds for a total Property Tax of \$0.678378.

This Tax Rate will raise more taxes for Maintenance and Operations than last year's Tax Rate.

AYES: Mayor Leeser and Representatives Lilly, Romero, Noe, and Niland

NAYS: Representatives Acosta, Robinson, Holguin and Limón

Mayor Leeser broke the tie, voting Aye.

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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11D. CITY MANAGER

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried to **APPROVE** the El Paso County 911 District FY 2014 Budget to be presented by Mary Kozak, Director.

Ms. Mary Kozak, Director, El Paso County 911 District, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Niland, Robinson, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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ITEMS TAKEN TOGETHER BUT VOTED SEPARATELY

12.

ORDINANCE 18070

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016605 WHICH ORIGINALLY AUTHORIZED THE ISSUANCE OF EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON) SPECIAL ASSESSMENT REVENUES BONDS, SERIES 2007, TO ALLOW A MODIFICATION IN THE METHOD BY WHICH DEBT SERVICE COVERAGE IS CALCULATED.**

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

Mayor Leeser and Representatives Holguin, and Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Theresa Cullen, Deputy City Attorney, gave legal advice.
3. Ms. Sylvia Firth, City Attorney, gave legal advice.
4. Mr. Ted Marquez, Director of Department of Transportation
5. Mr. Tracy Novak, Interim Director for Parks and Recreation
6. Ms. Marci Tuck, Open Space, Trails and Parks Coordinator

Mr. Richard Schechter, citizen, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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

13.

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.

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

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14.

RESOLUTION

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

That City Council adopt policies and procedures for the 40th Year (2014-2015) Community Development Block Grant (CDBG) Program, the 2014-2015 Emergency Solutions Grant (ESG) Program and the 2014-2015 Housing Opportunities for Person with AIDS (HOPWA) Program, all such policies and procedures attached hereto as A through K; that City Council establish September 12, 2013 as the deadline for the submission of Letters of Intent from CDBG Public Service, ESG and HOPWA agencies; that City Council establish October 24, 2013 as the deadline for submission of all citizen, City Representative and Neighborhood Services requests; that City Council establish October 28, 2013 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; and that City Council establish December 12, 2013 as the deadline for the submission of all 2014-2015 City Department, Fair Housing, Microenterprise Technical Assistance, Non-Profit/Governmental Entity Public Facility and Volunteer Housing Rehabilitation application packets.

Mr. William Lilly, Director of Community and Human Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Noe, Limón, and Niland commented.

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

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15. **MAYOR AND COUNCIL**

Discussion on a Presentation to "Brighten El Paso" by Alex Renteria, Brandon Mina, and Samuel Nava.

Mayor Leeser and Representative Niland commented.

NO ACTION was taken on this item.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:17 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the **Addition to the Agenda**.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Lilly, and carried to adjourn the Executive Session at 2:29 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Holguin and Limón

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ADDITION TO THE AGENDA

EX1. City of El Paso, Texas vs. Greg Abbott, Attorney General, Cause No. D-1-GN-12-003879, our file number 12-1001-034. (551.071)

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

1. The City's Public Information Officer will: exercise the authority granted to the governing body to request the voluntary submittal of any email in the possession of any current or immediately preceding council member and the City Manager that would be responsive to the requests for public information currently pending resolution in Travis County District Court.
2. Prepare for and publicly disclose consistent with the Texas Public Information Act and applicable attorney general rulings:
 - a. The fifteen previously undisclosed pages of information accessible to the City and responsive to Aleshire's September 5, 2012 and October 5, 2012 requests;
 - b. The 168 previously undisclosed pages of information accessible to the City and responsive to Rojas' February 7, 2013 request; and,
 - c. Any responsive email voluntarily made accessible by current and former City Council members and the City Manager since the requests were received or in response to the Public Information Officer's request as described above.

Authorize the City Attorney in consultation with outside Counsel to offer this unilateral action by the City as an amicable resolution of the lawsuit City of El Paso, Texas vs. Greg Abbott, Attorney General, Cause No. D-1-GN-12-003879, our file number 12-1001-034.

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CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Scott White
2. Ms. Sylvia Carreon
3. Mr. Richard Cerros
4. Mr. Victor Cordero
5. Mr. Salvador Gomez
6. Ms. Wally Cech
7. Mr. Jorge Artalejo
8. Dr. Kay Mooy

Representatives Limón and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

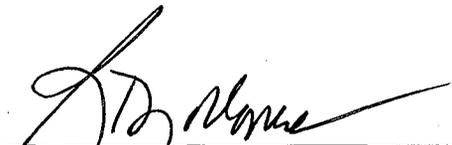
NO ACTION, other than the above procedural Motion, was taken on the item.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 2:32 p.m.

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APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk