MINUTES FOR REGULAR COUNCIL MEETING

September 2, 2014
COUNCIL CHAMBERS, CITY HALL
8:00 AM

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Carl Robinson, Michiel R. Noe, and Lilia Limón. Ann Morgan Lilly requested to be excused. Late Arrivals: Cortney Carlisle Niland at 8:07 a.m., Emma Acosta at 8:08 a.m. and Claudia Ordaz at 8:09 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE
AOY Elementary School

Andrew Telles
Alyssa Telles
Erik Sanchez
Alex Escalera
Sasha Girron
Brian Soria

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

The following members of the public commented:

1. Ms. Wally Cech
2. Mr. Steven Strummer

Representatives Niland and Romero commented.
MAYOR'S PROCLAMATIONS

1. Life Insurance Awareness Month
2. Hunger Action Month
3. El Paso Neighborhood Association Day

RECOGNITIONS
Lieutenant Rafael Navarrette, El Paso Fire Department

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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to APPROVE the Minutes for the Regular City Council Meeting of August 26, 2014.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Ann Morgan Lilly

3. RESOLUTIONS:

3.1. *

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

WHEREAS, Kirby Productions, LLC d/b/a Club 101 (hereinafter referred to as "Grantee") is producing The Free Style Block Party from 6:00 p.m. Saturday, September 13, 2014 through 2:00 a.m. Sunday, September 14, 2014 (hereinafter referred to as "Event"); and

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WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit pursuant to Title 15.08.120 of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on North Stanton Street between East Mills Avenue and Texas Avenue, 6:00 p.m. Saturday, September 13, 2014 through 6:00 a.m. Sunday, September 14, 2014, in conjunction with the Event; and

WHEREAS, the Grantee has authorized Kirby Productions, LLC (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, during the Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event, and for the TABC Permittee, including verification that the TABC 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 Kirby Productions, LLC d/b/a Club 101 and Kirby Productions, LLC, in the closed portions of City rights-of-way on North Stanton Street between East Mills Avenue and Texas Avenue, from 6:00 p.m. Saturday, September 13, 2014 through 2:00 a.m. Sunday, September 14, 2014, is a permissible activity in conjunction with The Free Style Block Party, upon issuance of the required permits from the Texas Alcoholic Beverage Commission and the City of El Paso.

4. BOARD APPOINTMENTS:

4.1. *Motion made, seconded, and unanimously carried to APPOINT Jim Tolbert to the Open Space Advisory Board by Representative Claudia Ordaz, District 6.

Representative Limón requested item 4.2 be moved to the regular agenda.

4.2. Motion made by Representative Ordaz, seconded by Mayor Pro Tempore Niland, and carried to APPOINT Gustavo Reveles Acosta to El Paso Bond Overview Advisory Board.
Committee (BOAC) by Representative Claudia Ordaz, District 6.

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

5. NOTICE FOR NOTATION:

5.1. *Motion made, seconded and unanimously carried to APPROVE for notation the donation of $110.00 from Betty McConaughy on August 9, 2014.

5.2. *Motion made, seconded and unanimously carried to APPROVE for notation the donation of $250.00 from CPME and $1,000.00 from El Paso Events for Movies Under the Stars in District 3.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

6. ENGINEERING AND CONSTRUCTION MANAGEMENT:

6.1. Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and carried to AUTHORIZE, AS REVISED to award Solicitation No. 2014-246 for Pedestrian Crossings (Re-Bid) to JAR Concrete, Inc. dba JAR Construction, Inc., for an estimated total amount of $2,085,000.00 subject to receiving concurrence from the Texas Department of Transportation on the Pedestrian Crossing Enhancement Project CSJ 0924-06-495.

AYES: Representatives Romero, Acosta, Robinson, Noe, Ordaz, and Niland
NAYS: None
ABSTAIN: Representative Limón
ABSENT: Representative Lilly

Department: Engineering and Construction Management
Award to: JAR Concrete, Inc. dba JAR Construction, Inc.
El Paso, TX
Base Bid: $2,085,000.00
Total Estimated Award: $2,085,000.00
Time for Completion: 100 Working Days
Accounts: 190-38170-580270-4950-PCP14TRAN10
Funding Source: 2014 Congestion Mitigation & Air Quality Improvement STP-Flex

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project,
which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, lump sum contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

Representative Robinson commented.

Javier Reyes, Engineering Division Manager, commented

REGULAR AGENDA – PUBLIC HEARINGS

7. CITY DEVELOPMENT:

7.1. *Motion made, seconded, and unanimously carried to postpone two weeks the public hearing on an Ordinance changing the zoning of a Portion of Lot 1, Block 1, Miramonte Industrial Park Unit 1, Replat "A", City of El Paso, El Paso County, Texas from P-I/sc (Planned-Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Doniphan & South of Montoya. Property Owner: RDG-PDI Center, LLC. PZRZ13-00038

7.2. ORDINANCE 18235

The City Clerk read an Ordinance entitled: AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00016, TO ALLOW FOR INFILL DEVELOPMENT WITH A SIDE YARD SETBACK AND PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 14 AND 15, BLOCK 48, MAGOFFIN ADDITION, 708 SOUTH HILLS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 708 S. HILLS STREET. PROPERTY OWNER: MR. COW ENTERPRISES. PZST14-00016

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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

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

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk's office) and read revisions into the record.

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Mayor Leeser and Representatives Niland and Noe, Ordaz commented.

7.3. ORDINANCE 18236


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

AYES: Representatives Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

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

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read revisions into the record.

7.4. *Motion made, seconded, and unanimously carried to POSTPONE one week the public hearing on 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.

7.5. *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.
The City Clerk read an Ordinance entitled: **AN ORDINANCE RENEWING THE SPECIAL PRIVILEGE LICENSE GRANTED TO NAVAJO REFINING COMPANY BY ORDINANCE NO. 014032 AND ACCEPTING THE ASSIGNMENT TO H E P 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.**

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

**AYES:** Representatives Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

**NAYS:** None

**ABSENT:** Representative Lilly

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

Representative Acosta commented.

**8. ENVIRONMENTAL SERVICES:**

**8.1. ORDINANCE 18238**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), SECTION 20.18.020 (APPLICABILITY) TO EXEMPT SIGNS AUTHORIZED THROUGH A FRANCHISE FOR WASTE CONTAINERS LOCATED ON SIDEWALKS OR OTHER CITY PROPERTY, THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland

**NAYS:** None

**ABSENT:** Representative Lilly

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 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT), SECTION 9.04.020 (DEFINITION) TO ADD A DEFINITION FOR APPROVED CONTAINERS, AND TO AMEND SECTION 9.04.260 (ACCUMULATION AND STORAGE), SUBSECTION 9.04.260A (CONSTRUCTION OR DEMOLITION MATERIAL) TO ALLOW FOR THE ACCUMULATION AND STORAGE OF CONSTRUCTION MATERIALS AND DEBRIS THROUGH ADDITIONAL MEANS, THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE.

Motion duly made by Representative Acosta, 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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

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

REGULAR AGENDA - OTHER BUSINESS / PUBLIC HEARING

9. CITY DEVELOPMENT:

9.1. Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and carried to APPROVE a request from EP Shalom Group, LLC, Elliot Berg, General Partner, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 6746 Edgemere Boulevard and legally described as portion of Lot 1, Block 2, International Industrial Center, Unit No. 1, City of El Paso, El Paso County, Texas pursuant to Title 20 Zoning, Section 20.10.060B of the El Paso City Code WITH the finding that the denial would not be in the best interests of the public.

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

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk's office) and read revisions into the record.

Representative Acosta commented.

Ms. Lillian Esparza, Citizen, commented.
10. CITY DEVELOPMENT/ECONOMIC AND INTERNATIONAL DEVELOPMENT:


10.1.A. ORDINANCE 18240

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF LOTS 25 AND 26, BLOCK 17, FRANKLIN HEIGHTS, 1217 MAGOFFIN AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-MU/SP (RESIDENTIAL MIXED-USE/SPECIAL PERMIT) TO G-MU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 1217 MAGOFFIN AVENUE. PROPERTY OWNER: FEDERICO VILLALOBOS. PZRZ14-00021

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 Romero, Acosta, Robinson, Noe, Ordaz, Limón, and Niland
NAYS: None
ABSENT: Representative Lilly

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

Mr. Mathew McElroy, Director of City Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read revisions into the record.

10.1.B. RESOLUTION

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

That the City Manager be authorized to execute a Tax Abatement Agreement between the City of El Paso and Federico Villalobos pursuant to the City’s Infill Development Incentive Policy, for the construction of a mixed use commercial and residential property on the vacant lot located at 1217 Magoffin, El Paso, Texas 79901.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to APPROVE a Resolution authorizing the City Manager to execute a Tax Abatement Agreement between the City of El Paso and Federico Villalobos pursuant to the City’s Infill Development Incentive Policy, for the construction of a mixed use commercial and residential property on the vacant lot located at 1217 Magoffin, El Paso, Texas 79901.
ABSENT: Representative Lilly

Mr. Carey Westin, Director of Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office) and read revisions into the record.

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

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

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

Ms. Nicole Heater, Economic Development, commented.

10.1.C. RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Federico Villalobos pursuant to the City’s Infill Development Incentive Policy for the construction of a mixed use commercial and residential property on the vacant lot located at 1217 Magoffin, El Paso, Texas 79901.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to APPROVE a Resolution authorizing the City Manager to execute a Chapter 380 Economic Development Sales Tax Rebate Program Agreement by and between the City of El Paso and Federico Villalobos pursuant to the City’s Infill Development Incentive Policy for the construction of a mixed use commercial and residential property on the vacant lot located at 1217 Magoffin, El Paso, Texas 79901.

ABSENT: Representative Lilly

11. MAYOR AND COUNCIL:

11.1. Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland, and unanimously carried to proceed with the process and DIRECT City Manager to bring the ordinance back in 30 days or sooner and to address the issue of grandfathering of older buildings that are not in compliance or policy that would expedite and make it easier for all businesses that do not have ADA bathrooms, to be able to get plans approved and permits for ADA bathrooms and other ADA amenities such as ramps. Then at a later date, bring all other items that pertain to the respective building that may not be in compliance, into compliance. The process should make it reasonable and with enough time so that businesses are able to secure loans for each phase of compliance. Any Assistance on revolving loans, whether from Acción Texas, CDBG, or other agencies, that are available for these types of construction should also be included in the ADA process.

Mayor Leeser and Representatives Acosta, Limón, and Robinson commented.

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Ms. Sylvia Firth, City Attorney, gave legal advice.
Mr. Victor Morrison-Vega, Deputy Director of City Development, commented.

Motion was made by Representative Robinson, seconded by Mayor Pro Tempore Niland and unanimously carried to **SUSPEND THE RULES** for additional speakers.

**ABSENT:** Representative Lilly

The following members of the public commented:

1. Mr. Jose Lara
2. Mr. Frank Lozano
3. Mr. George Zavala
4. Mr. Enrique Chew
5. Mr. Leo Mendoza
6. Mr. Robert Grijalva
7. Mr. Bill Bennett

**11.2.** *Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the update and discussion of expenditures to date on Eastside Regional Park Project to include itemized description of expenditures and budgeted expenses, and update and discussion on Quality of Life Three Year Program Budget Report.*

**ADDITION TO THE AGENDA**

**1. RESOLUTIONS:**

**1.1. RESOLUTION**

**WHEREAS,** the City of El Paso (City) created the Camino Real Regional Mobility Authority (CRRMA) by City Council Resolution of March 13, 2007 in order to directly benefit the State of Texas, the City and the traveling public through the improvement of the State’s transportation system in and around the City of El Paso;

**WHEREAS,** upon its creation, the CRRMA engaged the City to provide initial management services and other assistance to the CRRMA, including by way of example, the provision of an Executive Director, office space, IT and communications services;

**WHEREAS,** the provision of such management services allowed the CRRMA to rely on the resources of the City, thereby allowing for the CRRMA to immediately focus on the improvement of the region’s transportation system through the development of major transportation projects, rather than devoting time and effort on administrative, management and associated activities normally required of newly created agencies; and
WHEREAS, the City and the CRRMA recognize the benefit of the CRRMA's focus on transportation projects in the region, as opposed to administrative and management activities, and therefore desire to continue the City's provision of management services to the CRRMA that will allow for the continued effective and efficient operation of the CRRMA, which benefits both parties and the region's transportation system;

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

That the City Manager be authorized to execute a Management Services Agreement by and between the City and the CRRMA and any related documents necessary, whereby the City shall provide various management services to the CRRMA.

*Motion made, seconded, and unanimously carried to APPROVE the Resolution authorizing the City Manager 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.

REGULAR AGENDA - OTHER BUSINESS

2. MAYOR AND COUNCIL:

2.1. *Motion made, seconded, and unanimously carried to DELETE the item regarding El Paso Water Utilities Franchise Fee.

EXECUTIVE SESSION

Motion made by Mayor Pro Temore Niland, seconded by Representative Romero, and unanimously carried to ADJOURN this meeting at 10:01 a.m.

APPROVED AS TO CONTENT:

[Signature]

Richard Duffy Momsen, City Clerk

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