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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
SEPTEMBER 17, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Larry Romero, Emma Acosta, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrivals: Carl Robinson at 8:38 a.m. and Eddie Holguin, Jr. at 8:40 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.

MAYOR'S PROCLAMATIONS

1. **ECI STROLLER-A-THON DAY**
2. **NATIONAL PREPAREDNESS MONTH**
3. **SURGICAL TECHNOLOGISTS WEEK IN EL PASO**

PRESENTATION

DAVID REISMAN, EXECUTIVE DIRECTOR OF THE TEXAS ETHICS COMMISSION

CONSENT AGENDA

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

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

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 10, 2013, the Legislative Review Meeting of the Whole of September 9, 2013, and the Legislative Review of the Whole/Work Session of September 10, 2013.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert Garland to the Zoning Board of Adjustment, as a regular member, by Representative Ann Morgan Lilly, District 1.

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3B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Lamar Skarda to the Zoning Board of Adjustment, as an alternate member, by Representative Ann Morgan Lilly, District 1.

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3C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael B. Churchman to the Tax Increment Reinvestment Zone Number #5 by Mayor Oscar Leeser.

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3D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Frederic Dalbin to the Tax Increment Reinvestment Zone Number #5 by Mayor Oscar Leeser.

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3E. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Sal Masoud to the Construction Board of Appeals by Representative Cortney Carlisle Niland, District 8.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Patricia E. White to the Open Space Advisory Board by Representative Lily Limón, District 7.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sussette Kenney to the Fair Housing Task Force by Representative Carl L. Robinson, District 4.

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4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Holt Grambling to the City Plan Commission by Representative Cortney Carlisle Niland, District 8.

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5. FOR NOTATION

*Motion made, seconded, and unanimously carried to **APPROVE** for notation: the Appointment of City Representative Larry Romero to the Board of Directors of the Rio Grande Council of Governments by Mayor Oscar Leeser.

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6. INTRODUCTION

1ST MOTION
*Motion made by Representative Noe, seconded by Representative Romero, and unanimously carried to **MOVE ITEM TO END OF AGENDA TO GO INTO EXECUTIVE SESSION.**

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **NOT INTRODUCE** the Ordinance and **REQUEST** that Staff amend the Code to allow for sidewalk vending throughout the City, and to handle the issuance of permits in-house.

AYES: Representatives Lilly, Romero, Robinson, Noe, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Acosta and Holguin

An Ordinance granting an exclusive Special Privilege License to the Central Business Association of El Paso, Inc. to permit sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso. (NESV13-00014)

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7A.

ORDINANCE 18071

The City Clerk read an Ordinance entitled: **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 CONDITIONS. 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 OWNER INFORMATION: LUCMOR, LLC, 1400 TEXAS AVENUE, EL PASO, TX 79901**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Acosta and Noe commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Veda Sensenbach
3. Mr. TJ Karam, applicant

1ST MOTION
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.

2ND AND FINAL MOTION
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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ITEMS TAKEN TOGETHER

7B.

ORDINANCE 18072

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 47, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, 14400 PEBBLE HILLS BLVD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 14400 PEBBLE HILLS BOULEVARD. PROPERTY OWNER: SOCORRO INDEPENDENT SCHOOL DISTRICT. PZRZ13-00025**

7C.

ORDINANCE 18073

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF SECTION 47, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS; LOCATED AT 14400 PEBBLE HILLS BOULEVARD, AND TO PERMIT AN INCREASE IN HEIGHT FROM THE HEIGHT LIMIT REGULATIONS OF THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.360A5 THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 14400 PEBBLE HILLS BOULEVARD. PROPERTY OWNER: SOCORRO INDEPENDENT SCHOOL DISTRICT. PZDS13-00010**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Motion duly made by Representative Noe, seconded by Mayor Pro Tempore Niland, that the Ordinances be **ADOPTED.** Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances 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 Ordinances, the same be and the same are hereby **ADOPTED.**

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7D.

ORDINANCE 18074

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00013, TO PERMIT A SKILLED NURSING FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT 2A, BLOCK 1, YSLETA GRANT, 9641 NORTH LOOP ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 9641 NORTH LOOP ROAD. PROPERTY OWNER: BEN L. IVEY, LTD. PZST13-00013**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Bradley Roe, Roe Engineering, commented.

Motion duly made by Representative Holguin, seconded by Representative Limón, 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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7E. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance vacating a 2.6478 acre portion of Edgar Road Right-of-Way between Ethel Road and Desert Boulevard South, more particularly described as a portion of Edgar Road out of S.A. & M.G. Railway Company Survey No. 266, City of El Paso, El Paso County, Texas. Applicant Information: Prime Desert Properties, LLC SURW13-00012

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ITEMS TAKEN TOGETHER

8A.

ORDINANCE 18075

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

8B.

ORDINANCE 18076

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

Mayor Leeser and Representatives Limon, Acosta, Noe and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Linda Thomas, Director of Human Resources

The following members of the public commented:

1. Mr. David Ochoa
2. Ms. Lisa Turner

Motion duly made by Mayor Pro Tempore Niland, seconded by Representative Noe, that the Ordinances be **ADOPTED.** Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances 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 Ordinances, the same be and the same are hereby **ADOPTED.**

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9.

ORDINANCE 18077

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTIES DESCRIBED AS PART OF TRACT 2-A, BLOCK 6, ASCARATE GRANT, AND KNOWN AS TRACT 2-V-1-F, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, AS FURTHER DESCRIBED IN VOLUME 926, PAGE 1635, DEED RECORDS, EL PASO COUNTY, TEXAS TO MARCELINO ARRIAGA, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Ms. Carmen Perez, Delgado Acosta Spencer Linebarger & Perez, LLP, gave legal advice.

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

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

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

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10A. CITY DEVELOPMENT

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: PHAP13-00020; 2801 Silver Avenue, El Paso, Texas, on August 19, 2013 to deny a certificate of appropriateness application for the referenced property, PHAP13-00020.

Ms. Providencia Velazquez, Historic Preservation Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Romero, Robinson, and Holguin commented.

The following members of the public commented:

1. Mr. James Moreno
2. Ms. Elizabeth Williams
3. Ms. Lisa Turner

. . . . . .

10B. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the recommendation from the City Planning Commission to update the Drainage Design Manual.

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10C.

RESOLUTION

WHEREAS, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

WHEREAS, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

WHEREAS, pursuant to Section 375.064(a) of the Code, on July 17, 2013 the Board of Directors of the District ("Board") convened a meeting open to the public for the purpose of recommending a slate of persons to serve as members of the Board; and

WHEREAS, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

1. That the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be reappointed as directors of the District:

Position	Incumbent	Last Appt Date	Term#
Place 8	H. Wayne Soza	5/2013*	1
Place 9	T.J. Karam	4/2010	2
Place 10	Chris Kleberg	5/2010	2
Place 11	Jim Dove	7/2011*	1
Place 13	Brent Harris	8/2011	2
Place 14	Arlene Carroll	8/2011	2

*First full term to be served as previously appointed for unexpired terms by the Board of Directors.

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

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

Ms. Juliet Hart, citizen commented.

1ST MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Niland, and unanimously carried to **APPROVE** a Resolution that the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be reappointed as Directors of the District:

Position	Incumbent	Last Appt Date	Term#
Place 8	H. Wayne Soza	05/2013*	1
Place 9	T.J. Karam	04/2010	2
Place 10	Chris Kleberg	05/2010	2
Place 11	Jim Dove	07/2011*	1
Place 12	Tripper Goodman	12/2011*	1

Place 13	Brent Harris	08/2011	2
Place 14	Arlene Carroll	08/2011	2

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

2ND MOTION
Motion made by Representative Limón, seconded by Representative Acosta, and unanimously carried to **RECONSIDER** the item.

AYES: Representatives Romero, Acosta, Robinson, Noe, Holguin and Limón
NAYS: Representative Niland
NOT PRESENT FOR THE VOTE: Representative Lilly

3RD MOTION
Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **APPROVE** a Resolution that the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be reappointed as Directors of the District:

Position	Incumbent	Last Appt Date	Term#
Place 8	H. Wayne Soza	05/2013*	1
Place 9	T.J. Karam	04/2010	2
Place 10	Chris Kleberg	05/2010	2
Place 11	Jim Dove	07/2011*	1
Place 13	Brent Harris	08/2011	2
Place 14	Arlene Carroll	08/2011	2

*First full term to be served as previously appointed for unexpired terms by the Board of Directors.

AYES: Representatives Romero, Acosta, Robinson, Noe and Niland
NAYS: Representatives Holguin and Limón
NOT PRESENT FOR THE VOTE: Representative Lilly

4TH AND FINAL MOTION
Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and carried to **APPROVE** a Resolution that the City Council approves the recommendation of the Board of Directors of the El Paso Downtown Management District that the following person be reappointed as Directors of the District: **THE MOTION FAILED.**

Position	Incumbent	Last Appt Date	Term#
Place 12	Tripper Goodman	12/2011*	1

*First full term to be served as previously appointed for unexpired terms by the Board of Directors.

AYES: Representatives Romero, Noe and Niland
NAYS: Representatives Acosta, Robinson, Holguin and Limón
NOT PRESENT FOR THE VOTE: Representative Lilly

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Motion made by Representative Noe, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:28 a.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 Agenda.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 12:28 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:07 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:

NOT PRESENT FOR THE VOTE: Representative Lilly

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 Agenda.

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 1:41 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Acosta

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EX1. City of El Paso, Texas vs. Currey Adkins Cook; Cause No. 2012-1886 (551.071)

NO ACTION taken on this item.

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EX2. City of El Paso EMS Self-Disclosure to the Office of Inspector General for the United States Department of Health and Human Services (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, and unanimously carried that the City Manager and the City Attorney for the City of El Paso be authorized to sign a Settlement and Release Agreement with the Office of Inspector General for the United States Department of Health and Human Services related to the City of El Paso, EMS Self Disclosure.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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EX3. Michael Joseph Lynch vs. America Tirado, et. al., Cause No. 2009-393 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe and unanimously carried that the City Attorney's Office be authorized settlement authority to enter negotiations with the Plaintiffs in the lawsuit styled Michael Joseph Lynch vs. America Tirado, et. al., Cause No. 2009-393.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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EX4. Dominga Pena vs. City of El Paso, and J.A.R. Concrete, Inc. Cause No. 2012-DCV01219 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe and unanimously carried that the City Council approves of and ratifies the Cross-Claim filed by the City Attorney's Office against J.A.R. Concrete, Inc. in the lawsuit entitled Dominga Pena vs. City of El Paso, and J.A.R. Concrete, Inc., Cause No. 2012-DCV01219.

AYES: Representatives Lilly, Romero, Acosta, Robinson, Noe, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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EX5. Bankruptcy of El Paso Lighthouse for the Blind; Case Number 12-30264 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe and carried that outside counsel for the City of El Paso in consultation with the City Attorney be authorized settlement authority, to negotiate settlement agreement and that the City Manager, in consultation with City Attorney may sign all documents to resolve the dispute related to the bankruptcy case styled In Re: El Paso Lighthouse for the Blind, Bankruptcy Case No. 12-30264, Chapter 11.

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

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EX6. PUC Project No. 41622 Rulemaking to Propose New Substantive Rule 25.245, relating to the Recovery of Expenses for Ratemaking Proceedings. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney to file Comments and Reply Comments in the following Public Utility Commission Project No. 41622; Rulemaking to Propose New Substantive Rule 25.245, relating to the Recovery of Expenses for Ratemaking Proceedings.

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

AYES: Representatives Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Ms. Lisa Turner, citizen, commented.

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EX7. PUC Docket 41763-Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for two additional generating units at the Montana Power Station El Paso County. (551.071)

Motion made Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried that the City of El Paso authorizes the City Attorney to file a Motion in Intervention and, if necessary, to request a hearing in the following Public Utility Commission Docket No. 41763; Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for two additional generating units at the Montana Power Station El Paso County.

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

AYES: Representatives Romero, Acosta, Robinson, Noe, Holguin, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly

Ms. Lisa Turner, citizen, commented.

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EX8. PUC Docket 41803-Peitition of El Paso Electric Company for Authority to Revise Fixed Fuel Factor. (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City of El Paso authorizes the City Attorney to file a Motion in Intervention and, if necessary, to request a hearing in the following Public Utility Commission Docket No. 41803; Petition of El Paso Electric Company for Authority to Revise Fixed Fuel Factor.

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

AYES: Representatives Romero, Acosta, Robinson, Noe, Holguin, Limón, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lilly

Mayor Leeser commented.

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

Ms. Lisa Turner, citizen, commented.

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EX9. PUC Docket 41663-Petition of El Paso Electric Company for Approval to Revise Base Discount Recovery Factor Tariff. (551.071)

NO ACTION taken on this item.

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ADDITION TO THE AGENDA

ADDEX1. City of El Paso vs. 325 Paso Holdings, LLC; Cause Number 2012-DTX02906 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe and carried that the City Council of the City of El Paso agrees that the City of El Paso has no objection to escrow funds being released to real estate lienholders of the property located 325 Kansas Street; only after all delinquent real estate property taxes are paid in full and after the City receives proceeds from the personal property auction that will be conducted by 325 Paso Holdings, LLC/IFA. The cost of the collection shall not exceed 25% and the proceeds from the personal property auction will be applied to the balance of the personal property account and the City will continue to prosecute the pending lawsuit against 325 Paso Holdings, LLC, and 325 Texvada, LLC for any balance remaining on the personal property account.

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

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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. Ms. Wally Cech
2. Mr. Richard Schecter
3. Ms. Linda Senchoway
4. Ms. Lisa Turner
5. Mr. Salvador Gomez
6. Mr. Scott White
7. Mr. Pierre Andre Euzarraga

Mayor Leeser and Representatives Holguin, Limón, Niland, 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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Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to **ADJOURN** this meeting at 1:50 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk