

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
OCTOBER 15, 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 8:39 a.m. and Eddie Holguin, Jr. at 8:41 a.m. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

PLEDGE OF ALLEGIANCE

| | |
|------------------|-------------------|
| DANIEL SARMIENTO | DOMINIQUE ORDONEZ |
| MARIANA MEZA | JADYNNE SANDHU |
| ISABELLA ROMERO | ELIZABETH THOMAS |
| DEVON ESQUIVEL | ELIZABETH ROY |

MAYOR'S PROCLAMATION

1. PHYSICAL THERAPY MONTH
2. WHITE CANE SAFETY MONTH
3. BOEING EL PASO 30TH ANNIVERSARY DAY

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Limón, 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 October 8, 2013, the Legislative Review Meeting of the Whole of October 7, 2013, and the Special City Council Meeting of October 3, 2013 (Strategic Planning and Goal Setting).

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

***RESOLUTION**

WHEREAS, the El Paso County Attorney’s Office desires to host the Cycle for Change Challenge on Sunday, October 27, 2013 (hereinafter referred to as the “Event”); and

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

WHEREAS, The City of El Paso (hereinafter referred to as the “City”) has found the Event serves a public purpose; and

WHEREAS, The City has granted the Cycle for Change Challenge permission to utilize portions of City rights-of-way for the Event; and

WHEREAS, The State of Texas (hereinafter referred to as the “State”) owns and operates a system of highways for public use and benefit within El Paso, Texas; and

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

WHEREAS, The State in recognition of the public purpose for the Event wishes to cooperate with the City, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12, and the City enter into an Agreement for the Temporary Closure of State Right of Way for the Event (Form TEA 30A, attached hereto as Exhibit “1”);

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

That the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas for the temporary closure and use of State owned portions of Montana Avenue (US 62/180), Joe Battle Boulevard (Loop 375), and Zaragoza Road (FM 659) during the Cycle for Change Challenge on Sunday, October 27, 2013 from 7:30am to 12:00pm, an event scheduled to exceed four hours in length and found by the City to serve a public purpose.

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3B.

***RESOLUTION**

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

WHEREAS, The Sunset Heights Block Party Committee (hereinafter referred to as “Grantee”) is sponsoring The Sunset Heights Block Party from 12:00 pm to 10:00 pm Saturday, October 26, 2013 (hereinafter referred to as “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

WHEREAS, the Grantee has authorized El Paso Sun City Pride Organization (hereinafter referred as “Licensee”) to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of City rights-of-way on Prospect Street between Los Angeles Drive and Stewart Court and Corto Way between Prospect Street and the alley between Prospect Street and Yandell Drive from 8:00 am Saturday, October 26, 2013 to 2:00 am Sunday, October 27, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee and Licenses desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the Event.

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

That the sale and service of alcoholic beverages by El Paso Sun City Pride Organization, in the closed portions of City rights-of-way on Prospect Street between Los Angeles Drive and Stewart Court and Corto Way between Prospect Street and the alley between Prospect Street and Yandell Drive from 12:00 pm to 10:00 pm Saturday, October 26, 2013 in conjunction with The Sunset Heights Block Party, is a permissible activity.

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3C.

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 Program Agreement by and between the City of El Paso and **PC Automated Controls, Inc.**, a Texas Corporation and **RJ Shelton, LLC**, a Texas Limited Liability Company ("Applicants"), in relation to the Applicants' development of a warehouse and office facility in El Paso, Texas.

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

Representative Robinson commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Noe, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Holguin

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3D.

RESOLUTION

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

That the City Manager be authorized to execute the First Amendment to Chapter 380 Economic Development Agreement between the City and **Joe Battle Partners, L.P.** (Applicant) regarding Applicant's construction of a large-scale multi-family housing development in El Paso, Texas, which extends the deadline to obtain a certificate of occupancy for the development and provides additional consideration to the City for the agreed upon extension.

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

Representatives Noe and Holguin commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representative Holguin

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Adam E. Gurrola to the Parks and Recreation Advisory Board by Representative Larry Romero, District 2.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ann F. Kruzich to the Museums and Cultural Affairs Advisory Board by Representative Carl L. Robinson, District 4.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** William E. Moody to the Museums and Cultural Affairs Advisory Board by Mayor Oscar Leeser.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Roy Gilyard to the Zoning Board of Adjustment, as a regular member, by Representative Carl L. Robinson, District 4.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Roy Gilyard to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sylvia Carreon to the Parks and Recreation Advisory Board by Representative Lily Limón, District 7.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Analinda Moreno to Museums and Cultural Affairs Advisory Board by Representative Lily Limón, District 7.

5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Othon Medina, Jr. to the Zoning Board of Adjustment, as a regular member, by Representative Lily Limón, District 7.

5F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Luis Leon to the Capital Improvements Advisory Committee by Representative Lily Limón, District 7.

5G. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jim Graham to Zoning Board of Adjustment, as an alternate member, by Representative Lily Limón, District 7.

5H. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard O. Martinez to the Public Service Board Selection Committee by Representative Lily Limón, District 7.

6. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: Receipt of campaign contribution by Representative Carl L. Robinson, in the amount of \$25 from Teresa Quezada; in the amount of \$50 from Edward J. Beck; in the amount of \$50 from Janette and William Coon; in the amount of \$50 from Richard L. Davis; in the amount of \$50 from Jeanie L. or Starr A. Palmer; in the amount of \$400 from Kimberly Isaac Smith; in the amount of \$100 from Patrick B. Haggerty; in the amount of \$500 from Robert and Lilly Jean Petta; in the amount of \$100 from Patrick B. Haggerty; in the amount of \$25 from Tony Harder; and in the amount of \$1,250 from American Federation of State, County and Municipal Employees-AFL-CIO.

7A. – 7B. INTRODUCTIONS

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

7A. An Ordinance amending Title 2, Chapter 2.64 of the El Paso City Code (City Employees' Pension Fund) to clarify that the Pension Plan is exclusive to City Employees; to reflect a compensation ceiling for calculating contribution or benefit accruals; to reflect that vested benefits and employee contributions are non-forfeitable should the plan terminate; to define compensation and gross compensation; to clarify that an employee shall not forfeit any contributions should they leave service before reaching retirement age; to reflect a limit on plan benefits paid out in accordance with the Internal Revenue Code; to allow beneficiaries to have any portion of an eligible distribution paid directly to an eligible plan; to replace the terms "earnings" and "gross earnings" with "compensation" and "gross compensation"; to allow non-spousal beneficiaries to make direct rollovers; and to replace the term "permanent part-time" with "regular part-time".

PUBLIC HEARING WILL BE HELD ON OCTOBER 29, 2013, FOR ITEM 7A

7B. An Ordinance granting Special Permit No. PZST13-00021, to allow for a television broadcasting antennae and equipment facility on the property described as a portion of Lot 2, Block 3, Alto Mesa Unit 3, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.700 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 200 S. Alto Mesa. Property Owner: 99 CA, LP. PZST13-00021

PUBLIC HEARING WILL BE HELD ON NOVEMBER 5, 2013, FOR ITEM 7B

8.

ORDINANCE 18083

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, GENERAL OBLIGATION PENSION REFUNDING BONDS, TAXABLE SERIES 2013"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICIAL WITHIN CERTAIN SPECIFIC PARAMETERS.**

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

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Ms. Maria Urbina, First Southwest Company
- 2. Mr. Paul Braden, outside bond counsel
- 3. Mr. George Williford, First Southwest Company
- 4. Mr. Richard Schecter
- 5. Ms. Lisa Turner

Motion duly made by Representative Acosta, seconded by Representative Robinson, 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, and Limón

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Niland

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

The City Council Meeting was **RECESSED** at 10:55 a.m. in order to convene the Downtown Development Corporation Meeting.

The City Council Meeting was **RECONVENED** at 11:13 a.m.

9A.

RESOLUTION

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the City of El Paso and AMEC Environment & Infrastructure, Inc., a Nevada Corporation, for a project known as "Construction Testing and Inspection Services for El Paso Ballpark" for an amount not to exceed Three Hundred Forty Nine Thousand Four Hundred Seventy Four Dollars and No/100 (\$349,474.00) and that the Project Engineer – El Paso Ballpark be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Three Hundred Ninety Nine Thousand Four Hundred Seventy Four Dollars and No/100 (\$399,474.00); and 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 agreement.

Representative Acosta commented.

Mr. Alan Shubert, Project Engineer for the El Paso Ballpark, commented.

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

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

NAYS: Representative Holguin

9B.

RESOLUTION

WHEREAS, on September 18, 2012, the City of El Paso (the "City") and Mountain Star Sports Group, LLC - El Paso Baseball Club Series, a Texas limited liability company ("Mountain Star") entered into a Ballpark Development Agreement for the design, development, construction and delivery of a minor league ballpark in downtown El Paso; and

WHEREAS, on January 8, 2013, the City awarded Solicitation No. 2013-109R for the El Paso Ballpark (the "Project") to Jordan/Hunt, a Texas Joint Venture (the "CMAR"), and authorized the City Manager to sign the modified AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Contractor (the "CMAR Agreement"); and

WHEREAS, the January 8, 2013 CMAR Agreement approved an estimated construction budget for the Project of \$40,182,111.00; and

WHEREAS, by Resolution dated June 18, 2013, the City approved an increase to the estimated construction budget for the Project from \$40,182,111.00 to \$52,545,810.00; and

WHEREAS, concurrently with the Resolution dated June 18, 2013, increasing the estimated construction budget for the Project to \$52,545,810, the City and the Mountain Star signed a First Amendment to the Ballpark Development Agreement establishing a total ballpark budget not to exceed \$64 million dollars; and

WHEREAS, on September 27, 2013, Mountain Star signed a Supplement to Ballpark Development Agreement agreeing that the City will not be obligated to pay any portion of the Guaranteed Maximum Price for construction in excess of \$52,545,810 and that the City will not responsible for any ballpark costs in excess of \$64 million; and

WHEREAS, Mountain Star further agreed in the Supplement to Ballpark Development Agreement that if Mountain Star approves a Guaranteed Maximum Price for construction in excess of \$52,545,810, that Mountain Star shall be responsible for payment of any amount by which the approved Guaranteed Maximum Price for construction exceeds \$52,545,810 ("Mountain Star Portion of GMP") and that in no event shall the City be responsible for any ballpark costs in excess of \$64 million;

WHEREAS, Mountain Star further agreed in the Supplement to Ballpark Development Agreement that Mountain Star would deposit or cause to be deposited cash or an irrevocable and unconditional letter of credit in an amount equal to the Mountain Star Portion of GMP with Wells Fargo Bank, National Association, as trustee ("Bond Trustee"), under the terms of the Trust Agreement Relating to the City of El Paso, Texas Downtown Ballpark Venue Project Financing; and

WHEREAS, on September 30, 2013 the CMAR proposed a Guaranteed Maximum Price for construction of \$60,691,560 which was approved by Mountain Star on the same day and which resulted in the Mountain Star Portion of GMP being set at \$8,145,750; and

WHEREAS, in reliance on the commitments made by Mountain Star in the Supplement to Ballpark Development Agreement, the City desires to amend the CMAR Agreement and approve a Guaranteed Maximum Price for construction of \$60,691,560.

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

That the City acknowledges and accepts the terms of the Supplement to Ballpark Development Agreement signed by Mountain Star Sports Group, LLC - El Paso Baseball Club Series (Mountain Star), on September 27, 2013; and

That the City finds that Mountain Star has deposited or caused to be deposited cash or an irrevocable and unconditional letter of credit with the Bond Trustee in the amount of the Mountain Star Portion of GMP (\$8,145,750); and

That the City Manager be authorized to sign the Guaranteed Maximum Price Amendment to the modified AIA A133-2009 Standard Form of Agreement between Owner and Construction Manager as Contractor, for the El Paso Ballpark, for a guaranteed maximum construction price not to exceed \$60,691,560 once the Bond Trustee confirms to the City that it has received the Mountain Star Portion of GMP; and

That in no event shall the City be responsible for any portion of the Guaranteed Maximum Price which is in excess of \$52,545,810 or total Ballpark costs in excess of \$64 million; and

That the City Manager be authorized to sign, in consultation with the Mayor, change orders for construction upon written approval by Mountain Star that they agree to the change order and will be responsible for any increased cost of the change order and confirmation that Mountain Star has increased its letter of credit or made an additional cash deposit in the amount of any cost increase associated with the approved change order.

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

Mayor Leeser and Representatives Holguin and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Ms. Alan Shubert, Project Engineer for the El Paso Ballpark

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner

10A.

ORDINANCE 18084

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING AN AMENDMENT TO A DETAILED SITE DEVELOPMENT PLAN ON PLANNED RESIDENTIAL DEVELOPMENT SPECIAL PERMIT NO. SU-00005 APPROVED JUNE 27, 2000, TO REDUCE SIDE AND CUMULATIVE (SIDE AND SIDE STREET) SETBACKS FOR LOT 11, BLOCK 1, MONTOYA OAKS ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150 AND 20.10.470. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. PROPERTY OWNER: ADRIANA ELENA DEL VALLE GARCIA, LOCATION: 700 MONTOYA OAK LANE, PZDS13-00015.**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

Ms. Lisa Turner, 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, 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**.

ITEMS TAKEN TOGETHER

10B1.

ORDINANCE 18085

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 27, LOTS 28 TO 32, BLOCK 54, BASSETT ADDITION, AND ALL OF BLOCKS 55 & 56 AND CLSD STREETS BTW, 2201 MILLS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM M-1 (MANUFACTURING) TO C-4 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 2201 MILLS. PROPERTY OWNER: E.P.I.L.D., INC. PZRZ13-00016**

10B2.

ORDINANCE 18086

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00011, TO ALLOW FOR INFILL DEVELOPMENT WITH AN 83 PERCENT PARKING REDUCTION IN THE C-4 (COMMERCIAL) ZONING DISTRICT, ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 27, LOTS 28 TO 32, BLOCK 54, BASSETT ADDITION, AND ALL OF BLOCKS 55 & 56 AND CLSD**

STREETS BTW, 2201 MILLS, 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: 2201 MILLS. PROPERTY OWNER: E.P.I.L.D., INC. PZST13-00011

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

Representative Holguin commented.

The following members of the public commented:

- 1. Mr. Jim Martinez
- 2. Mr. Noe Moreno

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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10C.

ORDINANCE 18087

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 4795 WHICH CHANGED THE ZONING OF ALL OF TRACT 4H1D AND 4H1E, A.F. MILLER SURVEY NO. 215, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND IMPOSING CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: SOUTH OF MESA STREET AND EAST OF CONFETTI DRIVE. PROPERTY OWNER: DAREEN KENDA HOMES, LLC. PZCR13-00006**

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 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, Holguin, Limón and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: 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**.

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10D.

ORDINANCE 18088

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST13-00017, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT WIDTH ON THE PROPERTY DESCRIBED AS A PORTION OF TRACT "C" OF THE COUNTRY CLUB PLACE SOUTHSIDE, 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: 918 & 920 W. SUNSET ROAD. PROPERTY OWNER: VIA MIRADA I, L.P. PZST13-00017**

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 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, Holguin, Limón and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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10E. CITY DEVELOPMENT

1st MOTION

Motion made by Mayor Pro Tempore Niland, seconded by Representative Acosta, 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 made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. PZST13-00008, to allow for infill development with a 50 percent parking reduction on the property described as Tract 4-C, Section 11, Block 81, Township 2, Texas and Pacific Railway Company Surveys, 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: 5000 Riley. Property Owner: RNR Properties. PZST13-00008

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

Representatives Limon, Holguin, Romero, Acosta, Robinson, and Lilly commented.

The following members of the public commented:

1. Mr. Angel Ramos
2. Mr. Hector Chaparro
3. Ms. Olivia Sosa

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11A. CITY DEVELOPMENT

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

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11B. CITY DEVELOPMENT

Motion made by Representative Acosta, seconded by Representative Romero, and carried to **ACCEPT** a request from Richard Telles-Goins 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 7350 Gateway East Blvd.

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

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

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

The following City staff members commented:

1. Ms. Sonia Cahalan, Building Inspector, Code Enforcement
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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11C. CITY DEVELOPMENT

Presentation and discussion by Medical Center of the Americas on their annual report on status of activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement with the City of El Paso. On February 7, 2012 Council approved a Chapter 380 Economic Development Program Grant Agreement between the City of El Paso and the Medical Center of the Americas Foundation ("The Applicant"), in relation to undertaking of an economic development project consisting of biomedical cluster specific and infrastructure programs; in approving the agreement; City Council waived the Impact Fund policy requirements, which restricted the use of funds for land acquisition in the MCA area to the City only, because it was more cost-effective for the applicant to acquire land itself. Per the agreement, MCA is required to deliver an annual presentation to City Council, on status of activities during the fiscal year, use of funds and progress in the performance measures.

Ms. Emma Schwartz, President, and Mr. Albert J. Di Rienzo, Executive Director, for the Medical Center of the Americas Foundation, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Leeser and Representatives Lilly, Acosta, and Limon commented.

Ms. Nicole Ferrini, citizen, commented.

NO ACTION was taken on this item.

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

Discussion and action review on hiring process, pay scale and pay setting of non-civil service employees.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on this item.

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Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:59 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

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

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representative Niland

Motion made by Representative Romero, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 2:28 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Niland

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EX1. John F. Cook vs. Tom Brown Ministries, et al., Cause No. 2011-DCV-02792 (551.071)

1st MOTION

Motion made by Representative Acosta, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized to accept Elizabeth Branham's and Salvador Gomez's offer to dismiss all their pending claims against the City of El Paso and Mayor John F. Cook in his official capacity and each party shall bear their own costs in the lawsuit styled *John F. Cook vs. Tom Brown Ministries, et. al.*, Cause No. 2011-DCV-02792.

NOT PRESENT FOR THE VOTE: Representative Niland

2ND MOTION

Motion made by Representative Acosta, seconded by Representative Limon and unanimously carried that the City Attorney's Office be authorized to reject Tom Brown Ministries', Tom Brown's, and Word of Life Church of El Paso's settlement demand of \$10,000 (Ten Thousand and No/100 Dollars) to dismiss all their pending claims against the City of El Paso, Texas and Mayor John F. Cook in his official capacity in the lawsuit styled *John F. Cook vs. Tom Brown Ministries, et. al.*, Cause No. 2011-DCV-02792.

NOT PRESENT FOR THE VOTE: Representative Niland

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EX2. Claim of EP Hotel Partners LP and Spokane Equities Limited Partnership, Our file no. 13-1003-362 (551.071)

Motion made by Representative Acosta, seconded by Representative Romero and unanimously carried that the CITY OF EL PASO retains the law firm of Denton, Navarro, Rocha & Bernal PC as outside counsel in the claim of EP Hotel Partners LP and Spokane Equities Limited Partnership; Our File No. 13-1003-362. Further, that outside counsel is authorized to take any and all action necessary, both affirmative and defensive, as necessary, in connection with this claim in consideration with the City Attorney. This Motion is intended to grant broad authority to the City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager.

NOT PRESENT FOR THE VOTE: Representative Niland

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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EX3. Cesar Sanchez v. The City of El Paso, et. al., Cause No. EP-13-CV-0235-DB (551.071)

Motion made by Representative Acosta, seconded by Representative Romero and unanimously carried that the City Attorney's Office be authorized settlement authority to enter negotiations with the Plaintiffs in the lawsuit styled *Cesar Sanchez vs. City of El Paso, et. al.*, Cause No. EP-13-CV-0235-DB.

NOT PRESENT FOR THE VOTE: Representative Niland

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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. Salvador Gomez
2. Mr. David Ochoa
3. Ms. Wally Cech
4. Ms. Lisa Turner
5. Mr. Steven Strumer

Mayor Leeser and Representatives Robinson and Noe commented.

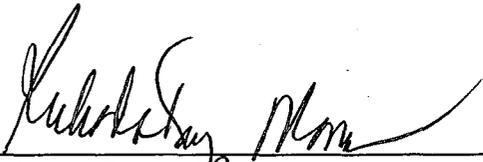
Ms. Sylvia Firth, City Attorney, gave legal advice.
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Motion made by Representative Romero, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:34 p.m.

NOT PRESENT FOR THE VOTE: Representative Niland

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APPROVED AS TO CONTENT:



Richarda Duffy Mohnsen, City Clerk