

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
OCTOBER 29, 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: Larry Romero, Emma Acosta, Michiel R. Noe, Lilia Limón, and Cortney Carlisle Niland. Late arrival: Eddie Holguin at 8:35 a.m., Ann Morgan Lilly at 8:45 a.m., and Carl Robinson at 8:45 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.

PLEDGE OF ALLEGIANCE

LAUREN RINCON

MAYOR'S PROCLAMATIONS

1. MUNICIPAL COURT WEEK
2. EL PASO'S SAVINGS DAY

RECOGNITIONS

CITY EMPLOYEES

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. Ms. Mary A. Gallegos - 25 years
2. Ms. Maria Teresa Herrera - 25 years
3. Mr. Daniel A. Sanchez - 25 years
4. Mr. Mario D. Cruz - 25 years
5. Fire Marshall Orlando A. Arriola - 25 years Fire
6. Lieutenant Javier Herrera - 25 years
7. Mr. Gustavo Armas - 25 years
8. Mr. Jorge Luis Gutierrez - 25 years
9. Municipal Clerk Richarda Duffy Momsen - 25 years
10. Mr. Leopoldo Fierro Jr. - 25 years
11. Mr. Alejandro Marruffo - 30 years

CONSENT AGENDA

Motion made by Mayor Pro Tempore Niland, seconded by Representative Emma Acosta, 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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 22, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

All of Lot 3 and a portion of Lot 4, Block 12, Butterfield Trail Industrial Park Unit Three, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 22 Spur Drive, El Paso, Texas.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 4 and a portion of Lot 5, Block 12, Butterfield Trail Industrial Park Unit Three, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 24 Spur Drive, El Paso, Texas.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 3, a portion of Lot 5, and all of Lot 4, Block 13, Butterfield Trail Industrial Park Unit Two; and a portion of Lot 8, Block 13, Butterfield Trail Industrial Park Unit Three, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 25 Spur Drive, El Paso, Texas.

Mayor Oscar Leeser commented

Ms. Monica Lombrana, Director of Aviation, commented

Ms. Lisa Turner , Citizen, commented

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

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3D.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 5, Block 13, Butterfield Trail Industrial Park Unit Two and all of Lot 6 and a portion of Lot 7, Block 13, Butterfield Trail Industrial Park Unit Three, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 27 Spur Drive, El Paso, Texas.

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3E.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

All of Lot 7 and a portion of Lot 8, Block 12, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 28 Spur Drive, El Paso, Texas.

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3F.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 1 and a portion of Lot 2, Block 10, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 28 Butterfield Trail, El Paso, Texas.

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3G.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 2 and a portion of Lot 3, Block 10, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 40 Butterfield Circle, El Paso, Texas.

3H.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment of the Restated Butterfield Trail Industrial Park Lease by and among the City of El Paso ("Lessor"), The Lincoln National Life Insurance Company ("Assignor") and SL EP Industrial, LP ("Assignee") for the following described property:

A portion of Lot 1, a portion of Lot 2, a portion of Lot 3, and a portion of Lot 4, Block 10, Butterfield Trail Industrial Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 42 Butterfield Circle, El Paso, Texas.

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3I.

***RESOLUTION**

WHEREAS, Golden Goose Tattoo and The Network (hereinafter referred to as "Grantees") are co-sponsoring "Day of the Dancing Dead" from 5:00 pm on Saturday, November 2, 2013 to 2:00am on Sunday, November 3, 2013 (hereinafter referred to as "Event"); and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantees have authorized The Network, LLC (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for twenty-four (24) hours on portions of City right-way on Mills Avenue between Kansas Street and Stanton Street from 9:00 am Saturday, November 2, 2013 to 9:00 am Sunday, November 3, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantees and Licensee desire to provide for the sale and service 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 The Network, LLC in the closed portions of City right-of-way on Mills Avenue from 5:00 pm on Saturday, November 2, 2013 to 2:00 am Sunday, November 3, 2013, in conjunction with Day of the Dancing Dead, is a permissible activity.

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3J.

***RESOLUTION**

WHEREAS, Hello Day Cafe and Tricky Falls (hereinafter referred to as "Grantees") are co-sponsoring "Nightmare on El Paso Street" from 7:00 pm on Saturday, November 2, 2013 to 2:00am on Sunday, November 3, 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 Grantees have authorized Tricky Falls (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have 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 right-way on South El Paso Street between Overland Avenue to San Antonio Avenue and Overland Avenue between Oregon Street and El Paso Street from 5:00 pm Saturday, November 2, 2013 to 4:00 am Sunday, November 3, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantees and Licensee desire to provide for the sale and service of alcoholic beverages on South El Paso Street, within 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 Tricky Falls on South El Paso Street, within the closed portions of City right-of-way on South El Paso Street between Overland Avenue to San Antonio Avenue and Overland Avenue between Oregon Street and El Paso Street, from 7:00 pm Saturday, November 2, 2013 to 2:00 am Sunday, November 3, 2013, in conjunction with Nightmare on El Paso Street, is a permissible activity.

Ms. Joyce Wilson, City Manager, commented

Ms. Lisa Turner , Citizen, commented.

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ITEMS TAKEN TOGETHER WITH ITEM 11

3K.

RESOLUTION

That the City Manager be authorized to sign a First Amendment to the Master Interlocal Cooperation Agreement ("Agreement") by and between the City of El Paso, Texas, acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area and The Regents of New Mexico State University ("NMSU") for transportation studies and research to be performed by NMSU, to increase the amount of the Agreement from \$100,000.00 to \$250,000.00.

3L.

RESOLUTION

That the City Manager be authorized to sign a two year Master Interlocal Cooperation Agreement by and between the City of El Paso, Texas, acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area and the University of Texas at El Paso ("UTEP"), for research, evaluations and other services related to transportation, on an as needed basis, for a total two year contract amount not to exceed Two Hundred Fifty Thousand and No/00 Dollars (\$250,000.00).

Representatives Acosta and Robinson commented.

Ms. Joyce Wilson, City Manager, commented

The following members of the public commented:

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

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Limón, and unanimously carried to **APPROVE** the Resolutions.

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3M.

RESOLUTION

WHEREAS, Jobe Materials owns approximately 1.51 acres of unimproved real property, valued at FORTY THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$40,500.00), in the City of El Paso more particularly described as:

Lots 17 and 18, Block 1, Futureland Unit 1 an addition to the City of El Paso, El Paso County Texas, according to the map thereof on file in Book 1, Page 40, Plat Records of El Paso County, Texas.

hereinafter referred to as "Property." The Special Warranty Deed is attached hereto as Exhibit "A"; and

WHEREAS, there are no known restrictive covenants, liens, recognized environmental conditions or other encumbrances on the Property; and

WHEREAS, Jobe Materials desires to donate its full interest in the Property to the City of El Paso to be used as City Parkland; and

WHEREAS, in accepting this donation of Property the City fulfills goals to increase available public park acreage and determines that the entire Property be dedicated as Parkland.

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

- 1. **THAT** the City of El Paso accepts the donation of the Property, valued at FORTY THOUSAND FIVE HUNDRED and NO/100 DOLLARS (\$40,500.00) from Jobe Materials; and
- 2. **THAT** the City of El Paso dedicates the approximately 1.51 acres of Property described in Exhibit "A" as parkland.
- 3. **THAT** the City Manager is authorized to sign any necessary documents or budget transfers to accomplish the intent of this resolution.

Representatives Robinson and Holguin commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager

2. Ms. Lisa Ramirez Tobias, Capital Assets Manager, Parks and Recreation

The following members of the public commented:

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

1st MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Noe

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3N.

***RESOLUTION**

WHEREAS, the City Council adopted the Budget Resolution for FY 2014 on August 20, 2013; and

WHEREAS, paragraph 46 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council further desires to establish the amounts of fees and related charges made necessary and authorized by the revisions to Title 18 of the City Code relating to starting work without a permit; and

WHEREAS, the City Council desires to revise and establish the application and license fees charged for non-motorized vehicles for hire as established in Title 6 of the City Code; and

WHEREAS, the City Council desires to revise and establish the amounts and related charges for plan review and building permits as established in Title 18 and contained in lines 425-426 and 457-461 of the Schedule C; and

WHEREAS, the City Council desires to revise and establish the amounts charged for sign permits as established in Title 20 of the City Code and contained in lines 646—649 of the Schedule C; and

WHEREAS, the City Council desires, in conformance with Ordinance 017980, to remove the fees contained in line 698 of the Schedule C associated with charitable solicitations.

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

1. That Schedule C, attached to the FY 2014 Budget Resolution and effective September 1, 2013, shall be amended, effective November 5, 2013, as set forth in Attachment A, to establish the amounts of fees and related charges made necessary and authorized by the revisions to Title 18 of the City Code relating to starting work without a permit.

2. That Schedule C, attached to the FY 2014 Budget Resolution and effective September 1, 2013, shall be amended, effective November 5, 2013, as set forth in Attachment B, to establish the amounts charged for application and license fees for non-motorized vehicles for hire as established in Title 6 of the City Code.

3. That Schedule C, attached to the FY 2014 Budget Resolution and effective September 1, 2013, shall be amended, effective November 5, 2013, as set forth in Attachment C, to establish the amounts charged for plan review and building permits as established in Title 18 of the City Code.

4. That Schedule C, attached to the FY 2014 Budget Resolution and effective September 1, 2013, shall be amended, effective November 5, 2013, as set forth in Attachment D, to establish the amounts charged for sign permits as established in Title 20 of the City Code.

5. That Schedule C, attached to the FY 2014 Budget Resolution and effective September 1, 2013, shall be amended, effective October 30, 2013, to strike the fee for charitable solicitations in conformance with Ordinance 017980.

Mayor Leeser, Representatives Acosta and Niland commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Matthew McElroy, Director, City Development
- 3. Mr. Victor Morrison Vega, Deputy Director, Building Permits and Inspections

The following members of the public commented:

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

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4A.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, James L. (Jim) Smith is eligible for Appointment.

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

That James L. (Jim) Smith is Appointed to the Board of Directors of the El Paso Housing Finance Corporation for a full term that ends July 9, 2019.

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4B.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, the appointment of Elizabeth Moya Quinn ended on July 10, 2013.

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

That Lily Limon is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the term that ends July 10, 2019.

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4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Randall J. Bowling to the Capital Improvements Advisory Committee by Mayor Oscar Leeser.

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5. 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 contributions: Robert Bowling IV - \$500; Lane B. Gaddy - \$1,000; Renard Johnson - \$1,000; Robert Hoy Jr. - \$1,000; Cynthia Marie Bilbe- \$1,000; Stanley Jobe - \$1,000; Robert Wingo - \$1,000; Gerald Rubin - \$1,000; Adam Z. Frank- \$1,000; Richard Castro - \$1,000; Myer Marcus - \$1,000; Tim D. Johnson - \$1,000; Margarita Escudero - - \$1,000; Steve Fox - \$1,000; Richard Zamora - \$1,000; J. Robert Brown - \$1,000; L. Frederick Francis - \$1,000; Jack T. Chapman- \$1,000; Pablo Sanders - \$1,000; Douglas Schwartz - \$1,000; Schwartz - \$1,000; Bill Sanders - \$1,000; Robert F. Foster - \$1,000; Robert F. Foster - \$1,000; Joshua Hunt - \$1,000; Woody Hunt- \$1,000; Maria Teran - \$1,000; Brent D. Harris - \$1,000; Scott Weaver - \$1,000; Jeff A. Stevens - \$1,000; Paul Foster - \$1,000; J.A. Cardwell - \$1,000; Harold Hahn - \$1,000.

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6A. – 6D. INTRODUCTIONS

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

6A. An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the El Paso Collaborative for Community and Economic Development which will allow the City to convey Lot 60, Block 33, Tierra Del Este #6; and Lot 32, Block 32, Vista Real #3, in the City of El Paso, El Paso County, Texas (also known as 3081 Tierra

Salada; and 3525 Oxcart Run), to the El Paso Collaborative for Community and Economic Development

- 6B. An Ordinance authorizing the City Manager to execute a Quitclaim (Tax Resale) Deed conveying all right, title and interest in real property described as Lot 18, Block D, Deal Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof, recorded in Volume 9, Page 4, Map Records of El Paso County, Texas to Martin Arrieta and Ana Luisa Arrieta, in accordance with Section 34.05 (H) of the Tax Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 5, 2013, FOR ITEMS 6A – 6B

- 6C. An Ordinance granting Special Permit No. PZST13-00020, to permit an expansion of an assisted living facility on the property described as Lots 17 through 20, Block 76, Supplemental Map No. 1 of East El Paso, 3330 E. Yandell Drive, 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: 3330 E. Yandell Drive. Property Owner: Oscar and Rosemary Melendez. PZST13-00020

- 6D. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions); Article VII Public Hearings Section 20.04.520 (Notice) of the El Paso City Code to require that notice of proposed changes in zoning classification be provided to property owners and to multifamily dwellings and that notice be posted on the site of the proposed zoning change. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 19, 2013, FOR ITEMS 6C – 6D

7. PURCHASING AND STRATEGIC SOURCING

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried to **AWARD** Solicitation No. 2013-276 (Allison Proprietary Parts and Service (Re-Bid)) to Stewart and Stevenson and Power Products, LLC for an initial term estimated award of \$552,000.

Department:	Fire
Award to:	Steward and Stevenson and Power Products, LLC El Paso, Texas
Items(s):	All
Initial Term:	3 years
Option to Extend:	2 Years
Annual Estimated Award:	\$184,000
Initial Term Estimated Award:	\$552,000 (3 years)
Total Estimated Award:	\$920,000 (5 years)
Account No.:	22090-322-1000-531180 22090-322-1000-522280
Funding Source:	General Fund

This is a Best Value, parts and services contract.

The Purchasing & Strategic Sourcing Department and Fire Department recommend award as indicated to Stewart and Stevenson and Power Products, LLC, the bidder offering the best value bid.

Mr. Bruce Collins, Purchasing Director, commented.

8.

ORDINANCE 18089

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Robert Ash, Pension Administrator
- 3. Ms. Sylvia Firth, City Attorney, gave legal advice

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Richard Schecter
- 3. Mr. Pat Gordon

Motion duly made by Representative Noe, seconded by Representative Limon, 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**.

9A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** 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

9B.

ORDINANCE 18090

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.106 (PERMIT FEES), SUBSECTION 18.02.106.28 (STARTING WORK WITHOUT A PERMIT, OF THE EL PASO CITY CODE, TO INCREASE THE AMOUNT OF THE PERMIT FEE FOR STARTING WORK WITHOUT A PERMIT ON COMMERCIAL PROPERTY, TO ESTABLISH A PERMIT FEE FOR CONTRACTORS STARTING WORK ON RESIDENTIAL PROPERTY WITHOUT A PERMIT AND TO ESTABLISH A PERMIT FEE FOR HOMEOWNERS STARTING WORK ON THEIR OWN RESIDENTIAL PROPERTY WITHOUT A PERMIT, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

Mr. Victor Morrison Vega, Deputy Director, Building Permits and Inspections 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**.

10.

RESOLUTION

WHEREAS, the Federal Communications Commission ("FCC") has issued an order to require reconfiguration the frequency allocations in the 800 MHz band and adopted a reconfigured channel plan for the 800 MHz band along the U.S. - Mexico, including the frequency allocated to the City of El Paso for its law enforcement communications;

WHEREAS, pursuant to the FCC Order, the City of El Paso needs to enter into an 800 MHz Frequency Reconfiguration Agreement with Sprint Corporation that will define the respective obligations of

each party regarding the Reconfiguration, including Sprint's obligation to pay for reasonable costs incurred in effecting the Reconfiguration;

WHEREAS, City's Department of Information Technology Services has negotiated the Reconfiguration Agreement and associated cost reimbursement with Sprint and recommends that the Council approve the agreement.

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

That the City Manager be authorized to execute the 800 MHz Frequency Reconfiguration Agreement with Sprint Corporation for the reconfiguration of the 800 MHz frequency as required by the Federal Communications Commission, which reconfiguration includes the frequency allocated to the City of El Paso for its law enforcement communications. City costs will be reimbursed by Sprint.

Mr. Enrique Martinez, Director of Information Technology, gave a power point presentation. (Copy on file in City Clerk's Office)

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

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ITEM TAKEN WITH ITEMS 3K AND 3L

11.

RESOLUTION

That the City Manager be authorized to sign a First Amendment To the Master Interlocal Cooperation Agreement ("Agreement") by and between the City of El Paso, Texas, acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area and the Texas A&M Transportation Institute ("TTI") for transportation studies and research to be performed by TTI, to increase the amount of the Agreement from \$200,000.00 to \$915,000.00.

Representatives Acosta and Robinson commented.

Ms. Joyce Wilson, City Manager, commented

The following members of the public commented:

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

Motion made by Representative Acosta, seconded by Representative Limón, and unanimously carried to **APPROVE** the Resolution.

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12A. MAYOR AND COUNCIL

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **DELETE** the item to separate the pilot bike share program from the larger program in order to implement the pilot project.

Mayor Leeser, Representatives Noe and Holguin, commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Marty Howell, Chief Sustainability Officer, General Services

12B. MAYOR AND COUNCIL

Discussion and action on the Lincoln Center acquisition status.

Mayor Leeser, Representatives Acosta and Limón, commented.

Ms. Joyce Wilson, City Manager, commented

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Robert Bielek, TXDOT
- 3. Mr. Mike Juarez
- 4. Mr. Hector Gonzalez, Lincoln Center

NO ACTION taken on this item.

12C. MAYOR AND COUNCIL

Discussion, action, and presentation by Union Pacific on the train derailment that occurred on October 19th that has caused damage to Interstate 10 near the Cotton overpass, causes of the derailment, necessary structure repairs, timeframe for repairs, costs of repairs, reimbursement of repairs and personnel by UP, to state and the City of El Paso and any other entity involved for necessary detouring of traffic onto city streets and public safety personnel utilized.

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Robert Bielek, TXDOT
- 3. Ivan Jaime, Director of Public Affairs for Union Pacific

NO ACTION taken on this item.

12D. MAYOR AND COUNCIL

Motion made by Representative Noe, seconded by Mayor Pro Tempore Niland, and carried to **APPROVE** amending Chapter 18.08 Building Code 18.08.070 Section 424 Fences, to re-write the Ordinance to state that the perimeter fence is allowed to be a rock wall, wrought iron, or some type of decorative fence.

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

Representatives Noe and Acosta commented.

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Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:12 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.087 to discuss any of the following:

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

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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 12:08 pm. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Collection claim against Anthony Jesse Rodriguez, Our Matter No. 13-1036-319 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Attorney's Office be authorized to settle the collection claim against Anthony Jesse Rodriguez and authorize the City Attorney to sign all documents to effectuate this authority; Our File No. 13-1036-319 as recommended by the City Attorney.

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Motion was made by Representative Acosta, seconded by Representative Robinson, and unanimously carried to **POSTPONE** for two weeks the **Special City Council Meeting Legislative Review Of The Whole/Work Session** from October 29, 2013.

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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. Richard Schecter
2. Mr. Salvador Gomez
3. Ms. Wally Cech
4. Ms. Lisa Turner
5. Mr. Sean Gillespie
6. Mr. Chuck Heist, Heist Disposal

Representative Noe commented.

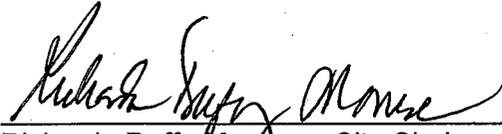
Ms. Joyce Wilson, City Manager, commented.

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Motion made by Representative Niland, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 12:56 p.m.

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APPROVED AS TO CONTENT:


Richarda Duffy Morsen, City Clerk