

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
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
CLAUDIA ORDAZ, DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

MINUTES FOR REGULAR COUNCIL MEETING

January 20, 2015
COUNCIL CHAMBERS, CITY HALL
8:00 AM

ROLL CALL

The City Council met in regular session at the above place and date. Meeting was called to order at 8:04 a.m. Mayor Pro Tempore Cortney Carlisle Niland present and presiding and the following Council Members answered roll call: Larry Romero, Emma Acosta, Carl Robinson, Claudia Ordaz, and Lilia Limón. Late arrival: Michiel R. Noe at 8:11 a.m. Mayor Oscar Leeser and Ann Morgan Lilly requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

R.E.L. Washington Elementary School

Gerri Holguin

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

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Wally Cech
3. Mr. Pierre Andre Euzarraga

Motion made by Representative Limón, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

Representative Niland commented.

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MAYOR'S PROCLAMATIONS

1. School Boards Appreciation Month

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RECOGNITIONS

Gerri Holguin

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NOTICE TO THE PUBLIC

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CONSENT AGENDA

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

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

NAYS: None

ABSENT: Representative Lilly

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1. APPROVAL OF MINUTES:

*Motion made, seconded, and unanimously carried to **APPROVE, AS REVISED** the minutes for the Regular City Council Meeting of January 13, 2015, and the Legislative Review Meeting of the Whole of January 12, 2015.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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2.1. *Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Oscar Leeser and Representative Ann Morgan Lilly from the Regular Council Meeting of January 20, 2015.

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3. RESOLUTIONS:

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3.1.

***RESOLUTION**

WHEREAS, the Housing Authority of the City of El Paso, Texas (HACEP) has proposed Developments for affordable rental housing that will be located in the City of El Paso; and

WHEREAS, HACEP has submitted Applications to the Texas Department of Housing and Community Affairs (TDHCA) for 2015 4% Housing Tax Credits for the proposed developments described herein.

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

1. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

- a. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
- b. The Governing Body has had sufficient opportunity to obtain a response from HACEP regarding any questions or concerns about the proposed Developments; and
- c. The Governing Body has held a hearing at which public comment may be made on the proposed Developments in accordance with Texas Government Code, §2306.67071(b); and
- d. After due consideration of the information provided by HACEP and public comment, the Governing Body does not object to the following proposed Applications:
 - i. Everett Alvarez Apartments, 8247 N Loop, El Paso, TX 79907, Townhome community with 96 units and all will be for low income tenants.
 - ii. J.E. Anderson Apartments, 741 Lafayette, El Paso, TX 79907, Duplex community with 58 units and all will be for low income tenants.
 - iii. Lt. Palmer Baird Memorial Apartments, 4747 Atlas, El Paso, TX 79904, Apartment community with 55 units and all will be for low income tenants.
 - iv. Woodrow Bean Apartments, 1313 N St Vrain, El Paso, TX 79902, Apartment community with 31 units and all will be for low income tenants.
 - v. Dwight D. Eisenhower Memorial Apartments, 5628 Eisenhower, El Paso, TX 79924, Duplex community with 194 units and all will be for low income tenants.
 - vi. Juan Hart Memorial Apartments, 4861 Atlas, El Paso, TX 79904, Fourplex community with 48 units and all will be for low income tenants.
 - vii. Lyndon B Johnson Memorial Apartments, 9000 Roanoke, El Paso, TX 79904, Primarily Duplex community with 126 units and all will be for low income tenants.
 - viii. Kennedy Brothers Communities, 400 S Zaragosa, El Paso, TX 79907, Apartment and single family community with 364 units and all will be for low income tenants.
 - ix. Rafael Marmolejo Jr. Memorial Apartments, 600 North Carolina, El Paso, TX 79915, Apartment community on two sites with 292 units and all will be for low income tenants.
 - x. Aloysius A. Ochoa Apartments, 8820 Old Country Rd. El Paso, TX 79907, Senior Primarily Fourplex community with 70 units and all will be for low income seniors.
 - xi. Raymond Telles Manor, Padres Dr and Buena Park Dr, El Paso, TX 79907, Duplex community with 68 units and all will be for low income tenants.
 - xii. Harry S. Truman Apartments, 7919 Meraz, El Paso, TX 79907,

Townhome community with 90 units and all will be for low income tenants.

- xiii. George Webber Memorial Apartments, 110 Whittier, El Paso, TX 79907, Town home community with 98 units and all will be for low income tenants.

- 2. That for and on behalf of the Governing Body, Richarda Duffy Momsen, City Clerk is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

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3.2.

***RESOLUTION**

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting scheduled for February 10, 2015 is hereby moved to February 9, 2015 at 8:00 am.

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3.3.

*Motion made, seconded, and unanimously carried to **DELETE** the item that the City Council declares the expenditure of District 4 discretionary funds in an amount of ONE THOUSAND DOLLARS (\$1,000.00) to provide funding to support the Mighty Mujer Triathlon regional sporting event as an important municipal purpose that is a benefit to the City and citizens of El Paso.

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4.

SPECIAL APPOINTMENT:

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4.1.

*Motion made, seconded and unanimously carried that Don W. Minton be **APPOINTED** in accordance with Section 3.7(A) of the El Paso City Charter as an Assistant City Attorney effective January 26, 2015 at a salary of \$105,000.00 per annum, plus benefits.

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5.

BOARD RE-APPOINTMENTS:

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5.1.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Joyce Palmer to the Civil Service Commission by Representative Carl L. Robinson, District 4.

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6.

BOARD APPOINTMENTS:

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6.1.

*Motion made, seconded, and unanimously carried to **APPOINT** Robert Fierro to the El Paso Bond Overview Advisory Committee (BOAC) by Representative Lily Limón, District 7.

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6.2.

*Motion made, seconded, and unanimously carried to **APPOINT** William Wickline to the Foster Grandparent Program Advisory Council by Representative Carl L. Robinson, District 4.

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7.

NOTICE FOR NOTATION:

7.1. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$5,000 from Bowling Construction LLC dba Tropicana Homes for the Economic Development Familiarization Tours.

7.2. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$10.00 from Woof Trax for the Animal Services.

7.3. *Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$500.00 from Jobe Material for use towards upcoming District 6 events.

REGULAR AGENDA – PUBLIC HEARINGS

8. PLANNING AND INSPECTIONS:

8.1. *Motion made, seconded, and unanimously carried to **POSTPONE** five weeks an Ordinance approving a detailed site development plan for Kern View Estates Unit Two, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of San Mateo Lane and East of Las Vegas Drive. Property Owner: Piedmont Group LLC. PZDS14-00004

ABSENT: Representative Lilly

8.2. *Motion made, seconded, and unanimously carried to **POSTPONE** five weeks an Ordinance changing the zoning of a portion of Section 28 and 33, Block 79, Township 2, Texas and Pacific Railway Company Surveys, North of Montana Avenue and East of Purple Heart Boulevard, City of El Paso, El Paso County, Texas from C-4 (Commercial) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan. The penalties are as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Montana Avenue and East of Purple Heart Boulevard. Property Owner: River Oaks Properties, LTD. PZRZ14-00023

ABSENT: Representative Lilly

8.3. *Motion made, seconded, and unanimously carried to **POSTPONE** one week an Ordinance amending the Master Zoning Plan approved on October 30, 2012, by Ordinance No. 17895 for the rezoning to General Mixed Use (GMU) of Lots 1 through 20 and 16 foot alley, Block 209, Alexander Addition, 2501 & 2525 N. Mesa Street and 2508 Oregon Street, City of El Paso, El Paso County, Texas, and the northwesterly half of that vacated portion of Boston Street. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2501 & 2525 N. Mesa Street and 2508 Oregon Street. Property Owner: EP Marcus Investments, L.P. and EP Del Mesa Partners, L.P. PZRZ14-00019.

ABSENT: Representative Lilly

8.4. **ORDINANCE 018305**

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR LOTS 1-9, 13, 16-18, 25-29, 31-36,**

39-42, 50-51, 59, 64-68, 81-86, AND 88, BLOCK 1, BARCELONA ESTATES REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO ALLOW FOR THE REDUCTION OF ALL LOT REQUIREMENTS AND SETBACKS, AND IMPOSING A CONDITION, PURSUANT TO SECTIONS 20.10.360 AND 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF ZARAGOZA ROAD AND EAST OF JOE BATTLE BOULEVARD. PROPERTY OWNER: LAGUNA MEADOWS, LP., MOUNTAIN VISTA BUILDERS, INC., RAKUSA CONSTRUCTION, LLC, WILLIAM D. THOMAS, WILLIAM L. AND DEANNE ISAAC, THOMAS DULA, RAY W. AND CAROLE WILLIAMS, AND HARVEY D. JOSEPH. PZDS14-00031

Mr. Alex Hoffman, Lead Planner for City Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

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

8.5.

ORDINANCE 018306

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS TRACT 1C, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND A PORTION OF ZARAGOZA ROAD (F.M. 659), EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: WEST OF ZARAGOZA AT PEBBLE HILLS; PROPERTY OWNERS: TOMLY CORPORATION, INC. SUAX13-00002 (ADJACENT TO DISTRICT 5)**

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

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

8.6.

ORDINANCE 018307

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE**

ZONING OF TRACT 1C, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC COMPANY SURVEYS, EL PASO COUNTY, TEXAS AND A PORTION OF ZARAGOZA ROAD FROM R-F (RANCH AND FARM) TO C-3/C (COMMERCIAL/CONDITIONS), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: WEST OF ZARAGOZA ROAD AT PEBBLE HILLS BOULEVARD. PROPERTY OWNER: TOMLY CORPORATION. PZRZ13-00039

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

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

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8.7.

ORDINANCE 018308

The City Clerk read an Ordinance entitled: **AN ORDINANCE RENEWING THE SPECIAL PRIVILEGE LICENSE GRANTED TO EL PASO 221, L.P. BY ORDINANCE NO. 014526 AND LATER ASSIGNED TO MADISON RIVER INVESTMENTS, LLC, BY ORDINANCE NO. 016963 FOR THE MAINTENANCE AND USE OF AN EXISTING UNDERGROUND TUNNEL ENCROACHING WITHIN A PORTION OF KANSAS STREET BETWEEN MILLS AVENUE AND TEXAS AVENUE FOR A SECOND TERM OF FIFTEEN YEARS AND AMENDING THE ASSIGNMENT PROVISION TO ALLOW FOR TRANSFER OF OBLIGATIONS TO ANOTHER PARTY THROUGH A LENDER. APPLICANT: MADISON RIVER INVESTMENTS, LLC.**

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

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

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

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8.8.

ORDINANCE 018309

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS), SECTION 19.08.020 (TIMING OF PUBLIC IMPROVEMENTS, PERMIT ISSUANCE), THE PENALTY BEING AS**

PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

Ms. Kimberly Forsyth, Lead Planner for City Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

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

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

NAYS: None

ABSENT: Representative Lilly

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

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9. HUMAN RESOURCES:
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9.1.

ORDINANCE 018310

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065 (CIVIL SERVICE RULES AND REGULATIONS), TO AMEND A SECTION OF RULE NO. 1 TO COMPORT WITH CHARTER AMENDMENTS RELATING TO ELECTION OF CIVIL SERVICE OFFICERS; TO AMEND A SECTION OF RULE NO. 6 TO CLARIFY THE INTENT OF SICK LEAVE VERIFICATION REQUIREMENTS; TO AMEND A SECTION OF RULE 8 TO CLARIFY THE APPLICATION OF FORMAL COUNSELINGS IN PROGRESSIVE DISCIPLINE; AND TO AMEND A PORTION OF RULE NO. 8 AND RULE NO. 10 TO COMPORT WITH LEGISLATIVE AMENDMENTS TO CHAPTER 150 OF THE LOCAL GOVERNMENT CODE RELATING TO MUNICIPAL EMPLOYEES AS CANDIDATES FOR PUBLIC OFFICE.**

Ms. Linda Thomas, Director of Human Resources, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Acosta and Limón commented.

Mr. Tommy Gonzalez, City Manager

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

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

NAYS: None

ABSENT: Representative Lilly

Whereupon the Mayor ordered that, the vote having been cast in favor of the

Ordinance, the same be and the same are hereby **ADOPTED**.

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REGULAR AGENDA - OTHER BUSINESS
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10. ENGINEERING AND CONSTRUCTION MANAGEMENT:
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10.1. Presentation on status of Capital Projects:

- a. Neighborhood Traffic Management Program Phase Two, Districts 3, 4, 5, Victor Morales, (915) 212-1852
- b. Carpenter Street & Drainage Improvements, District 7, Victoria Ruiz, (915) 212-1826
- c. Video of Capital Projects for Parks.

Mr. Victor Morales, Ms. Victoria Ruiz, and Mr. Fred Lopez, Engineering and Construction Management, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Ordaz, Noe, Niland and Limón commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION taken on this item.

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11. MAYOR AND COUNCIL:
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11.1. Discussion and update on the 84th Legislative Session.

Representatives Robinson, Ordaz, and Niland commented.

Ms. Brie Franco, Assistant City Attorney, commented.

NO ACTION taken on this item.

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11.2. Discussion and update on the Texas Mayors of Military Communities.
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NO ACTION taken on this item.

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EXECUTIVE SESSION
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Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:39 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:

ABSENT: 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

Motion made by Mayor Pro Tempore Niland, seconded by Representative Noe, and unanimously carried to adjourn the Executive Session at 11:39 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Lilly

EX1. Monthly update from Legal Department regarding pending litigation, claims, real estate transactions and contract negotiations. (Sections 551.071, 551.072, 551.074 and 551.087)

NO ACTION taken on this item.

EX2. St. Paul's Lutheran Church (551.071)

NO ACTION taken on this item.

EX3. Three Legged Monkey, LP vs. City of El Paso, et. al.; Cause No. 3:14-CV-00260-FM; Matter No. 13-1001-040.001.001 (551.071);

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Niland and unanimously carried that the City Attorney's Office be authorized to reject the Plaintiff's Settlement Offer dated January 9, 2015 in connection with litigation related to the defense and protection of the City's interest and position in the lawsuit entitled *Three Legged Monkey, L.P. vs. City of El Paso, et al, Cause No. 3:14-CV-00260-FM*; Our Matter No. 13-1001-040.001.001.

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

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ADJOURN

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **ADJOURN** this meeting at 11:41 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk