

**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**

**February 3, 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 8:01 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Larry Romero, Michiel R. Noe, Claudia Ordaz, and Lilia Limón. Late arrivals: Cortney Carlisle Niland at 8:03 a.m., Carl Robinson at 8:10 a.m., and Emma Acosta at 8:13 a.m. 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**

**St. Raphael Catholic School**

**Larissa Aguilar**  
**Alec Fernandez**  
**Stephen Garcia**  
**Carisa Gonzalez**  
**Lorelie Gonzalez**  
**Ricardo Medina**  
**Annette Miranda**  
**Ava Moreno**  
**Gavin Vrahnos**  
**Jared Vrahnos**

### **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. Salvador Gomez

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### **MAYOR'S PROCLAMATIONS**

1. **Black History Month**
2. **American Heart Month**

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### **NOTICE TO THE PUBLIC**

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### **CONSENT AGENDA**

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

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

NAYS: None

ABSENT: Representative Lilly

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#### **1. APPROVAL OF MINUTES:**

\*Motion made, seconded, and unanimously carried to **APPROVE** minutes for the Regular City Council Meeting of January 27, 2015, and the Legislative Review Meeting of the Whole of January 26, 2015.

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#### **2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

- 2.1. \*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of February 3, 2015.

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#### **3. RESOLUTIONS:**

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##### **3.1.1. \*RESOLUTION**

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

**WHEREAS**, FGGSV, LLC d/b/a The Garden (hereinafter referred to as "Grantee") is producing The Morning After Brunch to be open to the public from 11:00 a.m. to 10:00 p.m. Sunday, February 15, 2015 (hereinafter referred to as "Event"); and

**WHEREAS**, the Grantee has submitted an application for a Special Privilege Permit pursuant to Title 15.08.120 (D) of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on Western Street between Anthony Street and Durango Street Service Road and the walkway connecting West San Antonio Avenue and Western Street in conjunction with the Event; and

**WHEREAS**, the Grantee has indicated their intent to authorize the FGGSV, LLC d/b/a The Garden, (hereinafter referred as "TABC Permittee") to provide for the temporary sale and service of alcoholic beverages within the identified closed portions of City rights-of-way during the Event; and

**WHEREAS**, the Texas Alcoholic Beverage Commission (TABC) requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within City rights-of-way, prior to issuance of such permit; and

**WHEREAS**, the Grantee assumes full responsibility for the TABC Permittee, including verification that the Permittee has obtained a permit for the temporary sale and service of alcoholic beverages from the TABC prior to the Event.

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

That the temporary sale and service of alcoholic beverages by FGGSV, LLC d/b/a The Garden, in the closed portions of City rights-of-way on Western Street between Anthony Street and Durango Street Service Road from 11:00 a.m. to 10:00 p.m. Sunday, February 15, 2015 is a permissible activity in conjunction with FGGSV, LLC d/b/a The Garden's The Morning After Brunch, upon issuance of the required permits from the Texas Alcoholic Beverage Commission and the City of El Paso.

3.1.2.

**\*RESOLUTION**

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

**WHEREAS**, FGGSV, LLC d/b/a The Garden (hereinafter referred to as "Grantee") is producing Mardi Gras to be open to the public from 11:00 a.m. Tuesday, February 17, 2015 to 2:00 a.m. Wednesday, February 18, 2015 (hereinafter referred to as "Event"); and

**WHEREAS**, the Grantee has submitted an application for a Special Privilege Permit pursuant to Title 15.08.120 (D) of the El Paso Municipal Code, for the use and closure of portions of City rights-of-way on Western Street between Anthony Street and Durango Street Service Road and the walkway connecting West San Antonio Avenue and Western Street in conjunction with the Event; and

**WHEREAS**, the Grantee has indicated their intent to authorize the FGGSV, LLC d/b/a The Garden, (hereinafter referred as "TABC Permittee") to provide for the temporary sale and service of alcoholic beverages within the identified closed portions of City rights-of-way during the Event; and

**WHEREAS**, the Texas Alcoholic Beverage Commission (TABC) requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within City rights-of-way, prior to issuance of such permit; and

**WHEREAS**, the Grantee assumes full responsibility for the TABC Permittee, including verification that the Permittee has obtained a permit for the temporary sale and service of alcoholic beverages from the TABC prior to the Event.

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

That the temporary sale and service of alcoholic beverages by FGGSV, LLC

d/b/a The Garden, in the closed portions of City rights-of-way on Western Street between Anthony Street and Durango Street Service Road from 11:00 a.m. Tuesday, February 17, 2015 to 2:00 a.m. Wednesday, February 18, 2015 is a permissible activity in conjunction with FGGSV, LLC d/b/a The Garden's Mardi Gras, upon issuance of the required permits from the Texas Alcoholic Beverage Commission and the City of El Paso.

3.2.

**\*RESOLUTION**

**WHEREAS**, The El Paso Marathon Foundation desires to host The El Paso Marathon from 6:30 a.m. to 1:00 p.m. on Sunday, February 22, 2015 (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 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, including Woodrow Bean Transmountain Road (Loop 375), Gateway South Boulevard, Gateway North Boulevard, Dyer Street (BU54A), North Copia Street (Loop 478), North Mesa Street (SH20), West Yandell Drive (IH 10 Frontage Road), Texas Avenue (SH20) 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, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way for The El Paso Marathon from 6:30 a.m. to 1:00 p.m. on Sunday, February 22, 2015 serves a public purpose and in accordance with 43 TAC, Section 22.12, 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, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated in excess of four hours for portions of Woodrow Bean Transmountain Road (Loop 375), Gateway South Boulevard, Gateway North Boulevard, Dyer Street (BU54A), North Copia Street (Loop 478), North Mesa Street (SH20), West Yandell Drive (IH 10 Frontage Road), Texas Avenue (SH20), and the companion agreement between the City of El Paso and The El Paso Marathon Foundation to assume responsibilities for and during the Event, upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

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**4. NOTICE FOR NOTATION:**

- 4.1. \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$5,000 from Jobe Materials, L.P. for the Economic Development Familiarization Tours.
- 4.2. \*Motion made, seconded and unanimously carried to **APPROVE** for notation the donation of \$5,000 from GECU for the Economic Development Familiarization Tours.
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**REGULAR AGENDA - INTRODUCTIONS**

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**5. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

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

ABSENT: Representative Lilly

- 5.1. An Ordinance annexing the following real property described as a portion of Tract 1D, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso County, Texas. Subject Property: West of Zaragoza and north of Pebble Hills; Property Owners: City of El Paso. SUAX13-00001

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 17, 2015**

- 5.2. An Ordinance changing the zoning of the North ½ of Lot 6 and all of Lots 7, 8, 9 and 10, Block 45, Alexander Addition, City of El Paso, El Paso County, Texas from A-O (Apartment-Office) to R-MU (Residential Mixed Use) waiving the 1 acre minimum district area, and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: West of Stanton Street and South of Crosby Avenue. Property Owner: Lara Properties LP. PZRZ14-00052

**PUBLIC HEARING WILL BE HELD ON MARCH 3, 2015**

- 5.3. An Ordinance granting Special Permit No. PZST14-00034, to allow for infill development with a lot width and area reduction, side yard setback reduction, and a 50 percent parking reduction on the property described as Parcel 1: Lot 3, Block 1, Hughes Subdivision Replat "A", 8493 Roseway Drive, City of El Paso, El Paso County, Texas, and Parcel 2: Lot 2, Block 1, Hughes Subdivision Replat "A", 8495 Roseway Drive, 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: 8493 and 8495 Roseway Drive. Property Owner: Gabriel Alderete PZST14-00034

**PUBLIC HEARING WILL BE HELD ON MARCH 3, 2015**

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**REGULAR AGENDA - OTHER BUSINESS**

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**6. ECONOMIC AND INTERNATIONAL DEVELOPMENT:**

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- 6.1.** Motion made by Representative Noe, seconded by Representative Robinson, and carried to **POSTPONE** two weeks, a Resolution authorizing the City Manager to execute a Chapter 380 Grant Agreement by and between the City of El Paso, Texas a home-rule municipality of El Paso County, Texas and Douglas Steel Supply of Texas, LLC, a Texas Limited Liability Company for the relocation and construction of its steel processing business within the city limits of the City of El Paso.

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

NAYS: Representative Ordaz

ABSENT: Representative Lilly

Mr. Cary Westin, Director of Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Mr. Tommy Gonzalez, City Manager, commented.

The following members of the public commented:

1. Mr. Bob Cook, Consultant
2. Mr. Rob Moeck, CFO, Douglas Steel

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**6.2. RESOLUTION**

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

That the City Manager be authorized to sign the Third Amendment to the Economic Development Program Grant Agreement by and between the City of El Paso and the Medical Center of the Americas Foundation; and a Subordinated Lien Agreement by and between the City of El Paso, Citizens Bank of Las Cruces, MCA Tech Park, Inc., Medical Center of the Americas Holding, Inc. and Medical Center of the Americas Foundation and any other documents approved by the City Attorney necessary and proper to create a valid second lien interest against the Cardwell Collaborative to secure the City's interests.

Mr. Cary Westin, Director of Economic and International Development, presented a PowerPoint presentation (copy on file in City Clerk's Office).

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

Ms. Emma Schwartz, Director for Medical Center of Americas, commented.

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

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**7. PLANNING AND INSPECTIONS:**

\*Motion made, seconded, and unanimously carried to **DELETE** a request from Viva-

Chaparral Properties, LTD, LLC, Rick Holdridge, General Partner, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a day care for the property located at 3140 Lee Trevino Drive, and legally described as Tract 1-C-8, Block 80, Section 38, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas pursuant to Title 20 Zoning, Section 20.10.060B of the El Paso City Code.

ABSENT: Representative Lilly

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**8. MAYOR AND COUNCIL:**

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**8.1. 1<sup>st</sup> MOTION**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Robinson, seconded by Representative Limón, and unanimously carried to **DIRECT** the City Manager to schedule an LRC to discuss the policy from 2009 regarding restrooms in City parks, and bring best practices that other communities are using and the dollar figure.

ABSENT: Representative Lilly

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

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Tracy Novak, Director of Parks and Recreation

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Mr. Joe Gudenrath, Downtown Management District
3. Mr. Sal Gomez

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**EXECUTIVE SESSION**

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:36 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 Romero, and

unanimously carried to adjourn the Executive Session at 10:52 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Robinson

ABSENT: Representative Noe

**EX1.** Margaret A. Petrozza v. City of El Paso - Cause No. 2014-DCV-188; 14-1026-4528 (551.071)

Motion made by Mayor Pro Tempore Niland, seconded by Representative Romero and unanimously carried that the City Attorney be authorized settlement authority to negotiate a settlement agreement and sign all settlement documents to resolve the lawsuit entitled *Petrozza, Margaret A. v. City of El Paso* - Cause No. 2014-DCV-188; our File No.14-1026-4528.

NOT PRESENT FOR THE VOTE: Representative Robinson

ABSENT: Representative Lilly

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**ADDITIONS TO THE AGENDA**  
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**MAYOR AND COUNCIL:**  
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**ADD01.**

**R E S O L U T I O N**

**WHEREAS**, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

**WHEREAS**, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

**WHEREAS**, in an effort to insure the continuity of the CRRMA through the avoidance of any vacancies in City-appointed positions of the CRRMA Board, the City Council desires to make reappointments to Positions 2 and 6, which shall become effective on February 3, 2015;

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

That the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on February 3, 2015:

1. John Karlsruher, Position 2, term expiring on February 1, 2017; and
2. Susan A. Melendez, Position 6, term expiring on February 1, 2017.

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

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

NAYS: None

ABSTAIN: Representative Limon

ABSENT: Representative Lilly

ADD02.

## RESOLUTION

**WHEREAS**, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) Camino Real Regional Mobility Authority (CRRMA) Board positions expire on February 1<sup>st</sup> of each year;

**WHEREAS**, in the event of a vacancy, Board member nominations shall be solicited by the Mayor from City Council by written notice for a period of not less than two (2) weeks, and upon completion of this two week period, the Mayor shall review all received recommendations and those identified by the Mayor as well;

**WHEREAS**, the Mayor shall then make one (1) nomination for each position via presentation to the City Council at a City Council meeting and Council shall appoint a member for each open position by majority vote evidenced by City Council Resolution;

**WHEREAS**, on January 5, 2015, the Mayor notified City Council in writing of the vacancy for Position 4 and requested Council members to provide their recommendations for nominations by January 19, 2015;

**WHEREAS**, after reviewing all received recommendations the Mayor has identified one nomination for the vacant position which was presented at a City Council meeting on February 3, 2015;

**WHEREAS**, the City now desires to make an appointment, in accordance with the appointment process outlined herein to CRRMA Board Position 4;

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

That the City of El Paso hereby appoints Yolanda Giner to the Camino Real Regional Mobility Authority Board for Position 4, which shall take effect February 3, 2015 and whose term will expire on February 1, 2017.

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

## ADJOURN

Motion made by Representative Romero, seconded by Mayor Pro Tempore Niland, and unanimously carried to **ADJOURN** this meeting at 10:53 a.m.

NOT PRESENT FOR THE VOTE: Representative Robinson

ABSENT: Representative Lilly

**APPROVED AS TO CONTENT:**

Richarda Duffy Momsen, City Clerk