

**JOHN F. COOK**  
MAYOR



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**JOYCE WILSON**  
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JANUARY 6, 2009  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd, Emma Acosta, and Eddie Holguin, Jr. at 8:39 a.m. during Executive Session deliberations and Melina Castro at 8:40 a.m. during Executive Session deliberations,. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. CRIME STOPPERS MONTH**
- 2. DR. MARTIN LUTHER KING, JR. FOOD DRIVE WEEK**

**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](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 9:00 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. Jon Forrest Little
2. Mr. Steven Strumer
3. Mr. Jerry Thiedt
4. Mr. Jorge Artalejo

Mayor Cook and Representatives O'Rourke and Holguin commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Quintana, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Byrd, Acosta, Castro, and Holguin

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 8:59 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Quintana and O'Rourke

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**EX1.** Claim of Dave Dixon, Our File No. 08-C-234. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Dave Dixon, Our File No. 08-C-234.

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**EX2.** Discussion and action related to the City's lien against the property located at 10969 Duke Snider Circle, El Paso, Texas. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the City Manager be authorized to take all steps necessary to **PROTECT THE CITY'S LIEN INTEREST** against the property located at 10969 Duke Snider Circle, El Paso, Texas, including pursuance of possible acquisition of the property from the property owner; and that the City Attorney's Office or outside counsel be authorized to pursue foreclosure of the City's lien and any acquired liens against said property or other form of debt recovery.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke  
 NAYS: Representative Holguin

Representative Ortega commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
 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 December 23, 2008.

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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

**NO ACTION** was taken on this item.

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**3. RESOLUTION**

\*Motion made, seconded, and unanimously carried to **DELETE** the Resolution authorizing the Deputy Director of Development Services, Planning Department, to take the necessary steps to terminate Special Permit No. SU-02032 granted to RKBT Enterprises, Ltd on March 5, 2003.

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**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rene Peña to the City Employees Pension Fund Board of Trustees by Mayor John F. Cook.

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**5. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.**

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to amend Contract C55-2678 to Physio-Control, Inc., a division of Medtronic Emergency Response Systems, Inc. to include Police Department, Department of Aviation, and Parks & Recreation defibrillators. Physio-Control, Inc. is the sole source and manufacturer's authorized maintenance provider for LifePak Defibrillators products, parts, accessories, repairs, etc. Contract expires February 28, 2010.

Department: Fire  
Annual Estimated Amount: \$73,335 (Fire, Police, Aviation, and Parks & Recreation)  
Account No.: 22010319 – 502229 – 01101  
Funding Source: Fire, SCBA & Logistic, Office Equipment Maintenance  
Total Estimated Award: \$146,670 (2-year total)  
Reference No.: 2006-150

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**6A. – 6J. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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 amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets), of the El Paso City Code by adding Helen of Troy Drive from Desert Boulevard north to a point five hundred feet east of Resler Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

**6B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 Schedule III (Parking Prohibited at All Times on Certain Streets) of the El Paso City Code by amending Number 331 (Both Sides of Belvidere from Tudor Way to White Cliffs Drive) to Belvidere Street from Tudor Way to De Los Santos Way, Both Sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 13, 2009, FOR ITEMS 6A – 6B**

- 6C.** An Ordinance changing the zoning of the El Paso County Hospital District (Thomason General Hospital) tracts lying within Tobin's Fourth Addition to the City of El Paso as Recorded in Volume 4, Page 25, Plat Records of El Paso County, Texas, and a portion of F. Neve Survey No. 8, City of El Paso, El Paso County, Texas, comprising a portion of Said F. Neve Survey No. 8, Lots 1 through 22, Block 1, Lots 1 through 21, Block 2, Lots 1 through 24, Block 3, Lots 1 through 21, Block 4, Lots 1 through 16, Block 5, Lots 1 through 25, Block 7, Lots 1 through 26, Block 8, Lots 1 through 24, Block 9, Lots 1 through 12, Block 10, Lots 6 through 11, Block 11, all of Lots 4 and 5 and a portion of Lots 3 and 6, Block 12, of Said Tobin's Fourth Addition to the City of El Paso, El Paso County, Texas, and a portion of Lots 18, 19, and 20, Block 1, Lots 1 through 4 and 6 through 15 and all of Lot 5, Block 4, Val Verde Addition to the City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing), M-1/SP (Light Manufacturing/Special Permit) C-4 (Commercial), C-4/SC (Commercial/Special Contract), C-4/C (Commercial/ Condition) to GMU/SP/C/SC (General Mixed Use/Special Permit/Condition/Special Contract) and approving a Master Zoning Plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6D.** An Ordinance granting Special Permit No. ZON08-00086, to allow a social club on the property described as Tracts 3-B, and 3-D-2, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.
- 6E.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 4-C-4, Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas, from A-2/H/SC (Apartment/Historic/Special Contract) to A-M/H/SC (Apartment/Mobile Home/Historic/Special Contract); and Parcel 2: Tract 4-C and a portion of Tract 4-C-4, Block 52, City of El Paso, El Paso County, Texas from A-2/SC (Apartment/Special Contract) to A-M/SC (Apartment/Mobile Home/Special Contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6F.** An Ordinance granting Special Permit No. ZON08-00056 to allow medical offices on the property described as Lot 10, Block 3, Alameda Acres, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

- 6G.** An Ordinance annexing the following real property described as: Parcel 1: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, El Paso County, Texas; and, Parcel 2: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, El Paso County, Texas.
- 6H.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel 3: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and Parcel 4: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, and Parcel 5: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City

of El Paso, El Paso County, Texas, and Parcel 11: a portion of Section 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; and, Parcel 2: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to R-5 (Residential); and, Parcel 6: a portion of Sections 47 and 48, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-1 (Commercial) and imposing conditions; and, Parcel 7: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from C-2 (Commercial) to GMU (General Mixed Use) and approving a master zoning plan; and, Parcel 8: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to GMU (General Mixed Use) and approving a master zoning plan; and, Parcel 9: a portion of Section 38, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to PR-II (Planned Residential); and, Parcel 10: a portion of Sections 38 and 47, Block 79, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

- 6I. An Ordinance changing the zoning of lots 34 and 35, save and except that portion of Lot 35, Pendale Industrial Unit B, City of El Paso, El Paso County, Texas, from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 27, 2009, FOR ITEMS 6C – 6I**

**6J. INTRODUCTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED, AS REVISED**, for public hearing:

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega  
NAYS; None  
ABSTAIN; Representative O'Rourke

- 6J. An Ordinance changing the zoning of the following real property described as: Parcel 1: Lots 11 to 20, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4 (Commercial) to RMU (Residential Mixed Use); and, Parcel 2: Lots 7 to 10, Block 214, Campbell Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and, Parcel 3: Lots 1 to 3 and west 20 feet of 4, Lots 5 and east 5 feet of 4, Lots 6 and west 15 feet of 7, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from C-4/H (Commercial/Historic) to RMU/H (Residential Mixed Use/Historic); and, Parcel 4: Lots 17 to 19, Block 1, Franklin Heights Addition, City of El Paso, El Paso County, Texas, be changed from A-3/H (Apartment/Historic), to RMU/H (Residential Mixed Use/Historic) and approving a Master Zoning Plan. And repealing Ordinance 15381 which granted a special permit for off-street, off-site parking. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Representative O'Rourke commented.

**PUBLIC HEARING WILL BE HELD ON JANUARY 27, 2009, FOR ITEM 6J**

**7. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Castro, and unanimously carried to **AWARD** Solicitation No. 2009-013 (Duty Uniforms) to Bazaar Uniforms & Men’s Store, LLC and Uniforms of Texas for a total estimated award of \$832,905.

Department: Fire  
Award to: Vendor 1: Bazaar Uniforms & Men’s Store, LLC  
El Paso, TX  
Items: Group I - 1, 2, 3  
Group II - 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b  
Group III - 1, 2, 3, 5  
Group IV – 1  
Annual Estimated Amount: \$273,405

Award to: Vendor 2: Uniforms Of Texas  
El Paso, TX  
Items: Group III – 4  
Group IV - 3, 4  
Annual Estimated Amount: \$4,230

Account No.: 22010100 – 503120 – 01101  
Funding Source: Uniforms & Apparel Supplies, General Operating Funds  
Total Estimated Award: \$832,905

This is a requirements type contract with an initial term of 36 months.

The cost under this requirement contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total at the end of the contract term so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Fire recommend award as indicated to the lowest responsive, responsible bidders.

Representative O’Rourke commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Assistant Fire Chief Michael Calderazzo, Maintenance Superintendent

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**8A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the Public Hearing on an Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**8B.**

**ORDINANCE 17045**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 23A (N/K/A 23A1), TRACTS 23B1, 24G, AND 26D, SECTION 38, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Byrd, Castro, and Ortega commented.

Mr. Ray Mancera, representing the applicant, and Mr. Rick L. Paul-Peterson, applicant, commented.

Motion duly made by Representative Castro, seconded by Representative Quintana, that the Ordinance be **ADOPTED, WITH NO CONDITION**. 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, Acosta, Castro, Quintana, Holguin, Ortega, and O’Rourke  
NAYS: Representative Byrd

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, WITH NO CONDITION**.

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**8C.**

**ORDINANCE 17046**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00161 TO ALLOW FOR A HOTEL ON THE PROPERTY DESCRIBED AS A PORTION OF BLOCK 8, CASTNER RANGE SUBDIVISION UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Castro commented.

Motion duly made by Representative Castro, seconded by Mayor Pro Tempore Byrd, 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, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative O’Rourke

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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**8D. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance changing the zoning of Lots 52 through 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**8E. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance changing the zoning of Lot 58 and a portion of Lot 59, Block B, Bassett Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**8F.**

**ORDINANCE 17047**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 182, SUNRISE ACRES UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Quintana and Byrd commented.

Motion duly made by Mayor Pro Tempore Byrd, 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, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O’Rourke  
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**.

**8G. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**9.**

**ORDINANCE 17048**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.12 (CHAUFFEUR’S LICENSE), OF THE EL PASO CITY CODE TO AMEND SECTIONS THEREUNDER TO CREATE A QUALIFIED CHAUFFEUR LICENSE FOR BICYCLES, PEDICABS, AND OTHER SIMILARLY-OPERATED VEHICLES THAT ARE OPERATED AS NON-MOTORIZED VEHICLES FOR HIRE.**

Representatives Ortega, Quintana, Holguin, Acosta, and Castro commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion duly made by Representative Ortega, seconded by Representative Lilly, 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, Byrd, Acosta, Castro, Ortega, and O’Rourke  
NAYS: Representatives Quintana and Holguin

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

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**10.**

**RESOLUTION**

**WHEREAS**, our sister city of Ciudad Juárez is being plagued by an unprecedented wave of acts of criminal violence that has not been seen in Ciudad Juárez in the past;

**WHEREAS**, the results of these acts has brought enormous pain to thousands of residents of both Ciudad Juárez and El Paso;

**WHEREAS**, the Paso del Norte bi-national community is gravely concerned by these monstrous acts;

**WHEREAS**, many of the perpetrators of these acts are closely tied to the illegal drug business;

**WHEREAS**, many other opportunistic criminals have found it timely to increase their criminal activities in the face of a chaotic situation that has overwhelmed the capacity of the local governments to cope with the violence;

**WHEREAS**, this drug war has lasted longer than last 6 wars (Iraqi Freedom, Gulf War, Vietnam War, Korean War, World War II, World War I) combined, due to the fact that the drug policies of our two nations have focused on incarceration rather than prevention and rehabilitation;

**WHEREAS**, the continued impunity of these crimes constitutes a frontal threat to the rule of law in our bi-national community; and

**WHEREAS**, we, the residents of the City of El Paso, seek to continue to strengthen our bonds with the residents of our sister city and further desire to take action to promote their well being of security and safety as well as ours.

**NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF EL PASO, TEXAS**, hereby:

1. Convey their solidarity with the people of Ciudad Juárez in the face of the multiple heinous acts of violence being committed against our bi-national community;
2. Express their sincerest condolences and deepest sympathy to the families of those who have fallen victim to this wave of violence;
3. Condemn all unlawful acts of malicious violence, persecution, intimidation, terrorization, and harassment that are being perpetrated on our bi-national community in the Region of Paso del Norte by organized and non-organized criminals;
4. Urge the federal government of the United States of America to come to the aid of our besieged sister city, by
  - a. Strongly supporting and funding the work of the El Paso Police Department and Alcohol, Tobacco and Firearms Agency in order to stem the tide of illegally acquired and exported weapons to Mexico;
  - b. Supporting the enforcement of current laws and legislation to stiffen the penalties on persons who illegally traffic weapons across our border;
  - c. Supporting the enforcement of current penalties and the legislation to stiffen the penalties on persons who illegally traffic chemical agents used in the manufacturing of illicit drugs;
  - d. Strongly supporting and funding the work of the Federal Bureau of Investigation, Drug Enforcement Administration, the Internal Revenue Service and the Immigration and Customs Enforcement Agency in investigating and prosecuting aggressively all money laundering activities carried out in the United States and to collaborate with the Mexican law enforcement agencies to do the same in Mexico;
  - e. Supporting and funding the efforts of the El Paso Police Department and the El Paso County Sheriffs Office, Texas Department of Public Safety, and other law enforcement agencies in international bridge operations to detect vehicle theft, gun smuggling, money laundering and other cross-border criminal activity;
  - f. Supporting and funding greater efforts to reduce drug consumption in the United States;
  - g. Releasing the remaining funds already authorized and appropriated under the Merida Initiative; and
  - h. Ultimately, supporting legislation that examines the nation's policies on drugs with a focus on rehabilitation rather than incarceration;
  - i. Supporting an honest, open national debate on ending the prohibition on narcotics.
5. Urge the federal government of the Republic of Mexico to come to the aid of our beleaguered and besieged sister city, by
  - a. Increasing federal efforts to help Ciudad Juárez and the State of Chihuahua to reduce the levels of violence;
  - b. Supporting greater efforts to reduce drug consumption in Mexico; and

- c. Ultimately, support legislation that examines the Republic of Mexico's policies on drugs with a focus on rehabilitation rather than incarceration.

Mayor Cook and Representatives O'Rourke, Acosta, Lilly, and Ortega commented.

Mr. Robert Andrade, Executive Assistant to the Mayor, commented.

The following members of the Committee on Border Relations commented:

1. Mr. Jose Contreras
2. Ms. Lina Ortega
3. Dr. Tony Payan
4. Ms. Angelica Quintanilla
5. Dr. Irasema Coronado
6. Mr. Luis Garcia, ex-officio member

Dr. Kathleen Stoudt, citizen, commented.

#### **1<sup>ST</sup> MOTION**

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

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

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution, **AS REVISED**.

**THIS ITEM WAS VETOED BY MAYOR JOHN F. COOK ON TUESDAY, JANUARY 6, 2009, THROUGH THE MEMORANDUM FILED WITH THE CITY CLERK'S OFFICE AS INCORPORATED IN THESE MINUTES, BELOW:**

#### **M E M O R A N D U M**

"TO: Richarda Duffy Momsen  
City Clerk

FROM: Mayor John F. Cook

DATE: January 6, 2009

SUBJECT: Veto of Council Action (Corrected)

The purpose of this memorandum is to notify Council that I disagree with the action taken on the following item on the Agenda for the City Council meeting of January 6, 2009:

Item 10.

Discussion and action on a proposed resolution for our Sister City of Ciudad Juarez by the Committee on Border Relations.

I hereby veto the action of the City Council on this item. The reason for my veto is:

The action of Council in amending the resolution, which was drafted by the Border Relations Committee, undermines the hard work of the Committee by adding new language which may affect the credibility of the entire resolution. It is not realistic to believe that the United States Congress will seriously consider any broad based debate on the legalization of narcotics. That position is not consistent with community standards both locally and nationally. I urge Council to reconsider supporting the original wording as recommended by the Committee.

cc: City Council"

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11.

**RESOLUTION**

That the City of El Paso Incentives Policy for Blighted Properties attached hereto as Exhibit "A" be approved and made immediately effective.

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Acosta, O'Rourke, Byrd, Castro, Lilly, Quintana, and Ortega commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner
- 3. Mr. Bill Sparks
- 4. Mr. Mike Hutson

Motion made by Representative Acosta, seconded by Representative Ortega, and carried to **APPROVE** the Resolution, **WITH REVISIONS TO EXHIBIT A.**

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

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**ADDITION TO THE AGENDA**

**1. INTRODUCTION**

**1<sup>ST</sup> MOTION**

Motion made by Representative Quintana, seconded by Representative Holguin, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

AYES: Representatives Lilly, Acosta, Castro, Quintana, and Holguin

NAYS: Representatives Byrd, Ortega, and O'Rourke

An Ordinance amending Ordinance No. 16668 to transfer the management and operation of the municipal utility drainage system from the Public Service Board to the City Council of the City of El Paso.

**PUBLIC HEARING WILL BE HELD ON JANUARY 13, 2009, FOR THE ITEM**

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

Motion made by Representative Lilly, seconded by Representative O'Rourke, and carried to **RECONSIDER** the Introduction.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Castro

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Holguin, seconded by Representative Quintana, that the Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing. **THE MOTION FAILED.**

AYES: Representatives Acosta, Castro, Quintana, and Holguin

NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

Mayor Cook and Representatives Ortega and Holguin commented.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 11:58 a.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk