

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MARCH 18, 2008  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Melina Castro, Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly at 8:37 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:43 a.m. during Executive Session deliberations, and Rachel Quintana at 8:45 a.m. during Executive Session deliberations. Early departure: Eddie Holguin, Jr. at 11:09 a.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. NATIONAL COMMUNITY COLLEGE MONTH
2. GIRL SCOUT WEEK
3. JOSE CABRALEZ DAY

**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. Gus Haddad
2. Mr. Jesus Luna
3. Ms. Gloria Hilda Rubin
4. Mr. Hector Rodriguez
5. Ms. Enriqueta Aguayo
6. Ms. Elva Hernandez
7. Mr. Mark Benitez
8. Mr. Carlos Martinez

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Haddad an additional two minutes to address the Council.

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

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Haddad an additional two minutes to address the Council.

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

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

.....  
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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 item listed on the Agenda.

**NOT PRESENT FOR THE VOTE:**   Representatives Lilly, Quintana, and Holguin

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to adjourn the Executive Session at 9:03 a.m. and **RECONVENE** the meeting of the City Council, during which time a motion was made.

.....  
**EX1.** Discussion and action with the City Attorney on legal options with respect to the sale and conveyance of 4,832.99 acres or land, more or less, to Hunt Communities, LLC.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried that the City of El Paso and the Public Service Board be authorized to enter into a "**STANDSTILL AGREEMENT**" with Hunt Communities, LLC regarding the Master Planned Community Development Agreement, and that the City Attorney or his designee be authorized to execute any appropriate documents to effectuate that authority not to extend beyond April 30, 2008.

**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 Byrd, Quintana, Holguin, Ortega, and O'Rourke

**NAYS:** None

**NOT PRESENT FOR THE VOTE:**   Representatives Lilly and Castro

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 11, 2008.

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

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

**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Yazaki North America, Inc. ("Assignor"), Elcom, Inc. ("Assignee") and Yazaki International Corporation ("Guarantor") for the following described property:

All of Lots 3, 4 and 5, Block 9 and all of lots 12, 13 and 14, Block 11, Butterfield Trail Industrial Park, Unit Two, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 57, Page 43, Real Property Records, El Paso County, Texas and municipally known and numbered as 20 Butterfield Trail, El Paso, Texas.

**3B.**

**\*RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2007-062 to Big Bear Oil Company on January 30, 2007 for Antifreeze; and

**WHEREAS**, the City Council terminates said Contract for default pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C 18B of the Contract (Cancellation for Default), the City is authorized to terminate the Contract for default; and

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

That the Purchasing Manager is authorized to notify Big Bear Oil Company that the City is terminating Contract No. 2007-062 pursuant to the provisions and requirements of Section C 18B of the Contract Clauses due to default for their failure to provide the antifreeze at the contracted price, and that the termination shall be effective as of March 18, 2008.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

3C.

**\*RESOLUTION**

For the purpose of conducting and holding a Special Election for the Election of a District Representative for District No. 3 on May 10, 2008, the following election officials are hereby appointed.

1. The persons named in Exhibit "A" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for the main early voting station and the branch offices for early voting in the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election, his or her Alternate Presiding Judge shall serve as Presiding Judge.

2. The persons named in Exhibit "B" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular election precincts in District No. 3 of the City. Each Presiding Judge shall appoint not less than two nor more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election his or her alternate Presiding Judge shall serve as Presiding Judge.

3. The persons named in Exhibit "C" attached hereto and made a part hereof for all purposes are appointed as a special Canvassing Board/signature verification committee, respectively, to count, canvass and record all early votes and early ballots cast at said election.

4. The persons named in Exhibit "D" attached hereto and made a part hereof for all purposes are hereby appointed as the Central Counting Station Manager, Central Counting Station Judge, Early Voting Ballot Board Chairman, and Tabulating Supervisor respectively, to operate a central counting station to receive and tabulate the voted ballots at said election.

.....  
3D.

**\*RESOLUTION**

That Brian Heller is appointed as alternate City Clerk to act as the City Clerk during the absence or disability of the City Clerk.

.....  
**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ruth Reyes to the City-County Animal Shelter Advisory Committee by Representative Steve Ortega, District 7.

.....  
**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Cesar Martinez to the Art Museum Advisory Board by Representative Steve Ortega, District 7.

.....  
**5. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Don K. Macon to the El Paso Mountain Committee by Representative Steve Ortega, District 7.  
.....

**6. APPLICATIONS FOR TAX REFUND**

\*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. Meadowbrook Townhouses LTD in the amount of \$3,693.45 overpayment of 2007 taxes. (PID #0629-999-1036-2950).
- B. Solrac Corp. in the amount of \$8,735.63 overpayment of 2007 taxes. (PID #1994-000-3253-0022).
- C. Bienvivir Parkside Senior Community, LTD in the amount of \$2,602.15 overpayment of 2007 taxes. (PID #2004-999-0861-0034).
- D. Wilshire Credit Corp. in the amount of \$4,610.33 overpayment of 2007 taxes. (PID #B365-999-0010-0300).
- E. Jose L. Muñoz in the amount of \$3,750.18 overpayment of 2007 taxes. (PID #C231-999-0110-4300).
- F. GMAC Mortgage in the amount of \$6,992.68 overpayment of 2007 taxes. (PID #C340-999-073A-0300).
- G. Stewart Title El Paso in the amount of \$5,570.48 overpayment of 2007 taxes. (PID #C340-999-1490-1000).
- H. L R Management LLC in the amount of \$8,010.48 overpayment of 2007 taxes. (PID #C849-999-0500-1900).
- I. Valerie Miller Topp in the amount of \$3,539.34 overpayment of 2007 taxes. (PID #K216-999-0230-8500).
- J. Washington Mutual in the amount of \$4,865.52 overpayment of 2007 taxes. (PID #L626-999-0020-1400).
- K. A & A Investments in the amount of \$7,951.13 overpayment of 2007 taxes. (PID #M641-999-0010-0800).
- L. Sierra Title Co. in the amount of \$4,362.50 overpayment of 2007 taxes. (PID #P405-999-0100-4900).
- M. Wilshire Credit Corp. in the amount of \$2,528.26 overpayment of 2007 taxes. (PID #S127-999-0180-1500).
- N. Lone star Title Company in the amount of \$2,532.75 overpayment of 2007 taxes. (PID #S225-999-0260-2100).
- O. B P S Properties II Viva Ltd. in the amount of \$21,840.61 overpayment of 2007 taxes. (PID #T212-999-0010-0100).

- P. Richard Wayne in the amount of \$5,640.80 overpayment of 2007 taxes. (PID #T281-999-0010-6600).
- Q. Government Employees Credit Union of El Paso in the amount of \$6,159.23 overpayment of 2007 taxes. (PID #U819-999-0100-01G0).
- R. Shotex Investment in the amount of \$2,975.45 overpayment of 2007 taxes. (PID #W195-999-0080-6400).
- S. Donald Schneider in the amount of \$3,460.17 overpayment of 2007 taxes. (PID #X012-999-000A-1000).
- T. Copperfield LLC in the amount of \$45,471.72 overpayment of 2007 taxes. (PID #X310-999-0000-7820).
- U. Copperfield LLC in the amount of \$10,090.98 overpayment of 2007 taxes. (PID #X310-999-0000-7910).
- V. Wal-Mart Stores, Inc., in the amount of \$19,190.24 overpayment of 2007 taxes. (PID #Y600-999-0020-0101).
- W. On the Border Freightliner in the amount of \$8,620.28 overpayment of 2005 taxes. (PID #2005-0000-0336-0056).

.....

**7A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-081 (Maintenance of Overhead Doors at City Facilities) to Desert Garage Doors for a total estimated minimum award of \$225,000.

Department:	General Services
Award to:	Desert Garage Doors El Paso, Texas
Items:	All
Option:	either one or two years
Annual Est. Min. Amt.:	\$75,000
Account No.:	31010326 – 502226 – 01101
Funding Source:	General Services Depart., Building Maintenance Division
Total Est. Min. Award:	\$225,000

This is a thirty-six month requirements type contract for maintenance of overhead doors at City facilities.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum 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 Department, Purchasing Division, and General Services recommend award to the lowest responsive, responsible bidder.

Representatives Ortega, Quintana, and Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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

.....  
**7B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-126 (Aluminum Sign Blanks) to Vulcan Aluminum for a total estimated minimum award of \$145,819.

Department: Street  
Award to: Vulcan Aluminum  
Foley, Alabama  
Items: All  
Annual Est. Min. Amt.: \$72,909.50  
Account No.: 32010287 – 503203 – 01101  
Funding Source: Signs and Markings, Public Accesses Maintenance and Repairs, General Fund  
Total Est. Min. Award: \$145,819

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract maybe higher or lower than the total estimated minimum 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 Street recommend award as indicated. Vulcan Aluminum was the lowest responsive, responsible bidder.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

.....  
**8A. FINANCIAL SERVICES**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-046 (31-Yard Open Bowl Scraper 2007) to Wagner Equipment Co., for a total estimated award of \$840,900.

Department: Environmental Services  
Award to: Wagner Equipment Co.  
El Paso, Texas  
Items: All  
Account No.: 34010289 – 508029 – 40403  
Funding Source: Environmental Services Department, Heavy/Off Road Equipment  
Total Est. Award: \$840,900

This is a one-time purchase type contract for the 31-Yard Open Bowl Scraper. Vendor offers the City the option to purchase up to 100% of the contract quantity at the same unit price if the option is exercised within ninety days or one hundred and eighty days from the date of award.

The Departments of Financial Services, Purchasing Division and Environmental Services recommend award to the lowest responsive, responsible bidder.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mayor Cook and Representative Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Director of Purchasing
3. Mr. Jeff Belles, Director of General Services

---

**8B. FINANCIAL SERVICES**

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **AWARD** Solicitation No. 2008-058 (Washing of Heavy Duty Equipment) to Texas Truckwash and Detail for a total estimated minimum award of \$513,000.

Department: General Services  
Award to: Texas Truckwash and Detail  
El Paso, Texas  
Items: All  
Option: Two years  
Annual Est. Min. Amt.: \$171,000  
Account No.: 37370510 – 503125 – 45202 and  
34010286 – 503204 – 40403  
Funding Source: Fleet Services Internal Fund, Vehicle Maintenance and Repair  
Total Est. Min. Award: \$513,000

This is a thirty-six month requirements type contract for the service of washing of heavy duty equipment.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum 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 General Services recommend award as indicated to the lowest responsive, responsible bidder.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representatives Castro and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

---

**9A.**

**ORDINANCE 16857**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1 AND 2, BOOTHEVILLE UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-3 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Philip Etiwe, Development Review Manager, commented.

Motion duly made by Representative Ortega, 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, Castro, Quintana, Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative 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**.

.....  
**9B.**

**ORDINANCE 16858**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 3-B, S.A. & M.G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1/C (COMMERCIAL/CONDITION) TO C-3/C (COMMERCIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, 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, Castro, Quintana, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

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

.....  
**9C. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of all of Lot 6, the north 20 feet of Lot 5, and the south 4 feet of Lot 7, Block 56, Alexander Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

.....  
**9D.**

**ORDINANCE 16859**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00084 TO ALLOW FOR A 24% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF THE A.T. & S.F. RAILWAY COMPANY YARD AND PORTIONS OF LOTS 2 - 9, BLOCK 72, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, seconded by Representative 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, Castro, Quintana, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

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

.....  
**9E. PUBLIC HEARING – DEVELOPMENT SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **POSTPONE** till the April 15, 2008 City Council meeting the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Review Procedures), Section 20.04.380 (Application Requirements), of the El Paso City Code to remove the requirement for a site plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Gus Haddad and Mr. Richard Schecter, citizens, commented.

.....  
**9F. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 19 (Subdivisions), Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.130 (Postal Delivery Service), of the El Paso City Code to establish the responsibilities for mail receptacles; the penalty is as provided in Chapter 19.04.090 of the City of El Paso City Code.

.....  
**9G. ORDINANCE 16860**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 36 AND 37, BLOCK 84, FRANKLIN HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, Castro, Quintana, Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative 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**.

9H.

**ORDINANCE 16861**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1, PARCEL 2, PARCEL 3, PARCEL 4, AND PARCEL 6. ALL PARCELS BEING A PORTION OF TRACT 1, JOHN BARKER NO. 10, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND PARCEL 5: TRACT 6J, A.F. MILLER SURVEY NO. 216, CITY OF EL PASO, EL PASO COUNTY, TEXAS. PARCEL 1 BE CHANGED FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); PARCEL 2 BE CHANGED FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL); PARCEL 3 BE CHANGED FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL); PARCEL 4 BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS; PARCEL 5 BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS; AND PARCEL 6 BE CHANGED FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
3. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Kimberly Forsyth, Engineering Senior Planner

Mr. Conrad Conde, representing the developer, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED, WITH CONDITIONS**. 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, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative 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, WITH CONDITIONS**.

**10. PUBLIC HEARING – EL PASO WATER UTILITIES**

Motion made by Representative Castro, seconded by Representative Ortega, and unanimously carried to **POSTPONE** seven weeks the public hearing on an Ordinance of the City of El Paso, Texas, amending Ordinance No. 016735 which authorized the sale and conveyance of 4,832.99 acres of land, more or less, out of Blocks 80 and 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, to Hunt Communities, LLC, to revise the date of the initial closing date for the purchase of the Phase One Parcel.

Representative Castro commented.

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

.....  
**11A. MAYOR AND COUNCIL**

Discussion and action concerning the exploration of moving the Anti-Graffiti Program from the Street Department to the El Paso Police Department.

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

Ms. Joyce Wilson, City Manager, commented

Mr. Daryl Cole, Director of Street Department, and Interim Chief of Police Gregory Allen commented.

Mr. Jorge Almada, citizen, commented.

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

**NO ACTION**, other than the above procedural Motion, was taken on the item.

.....  
**11B. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item for discussion concerning a rental inspection program to promote health, safety, and welfare in rental housing.

.....  
**11C. MAYOR AND COUNCIL**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the City Manager to apply as a third-party administrator for the Texas Commission on Environmental Quality's Supplemental Environmental Program (SEP) and work with the Legislative Review Committee to identify programs that might be eligible and could be pre-approved.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representative Byrd commented.

.....  
**11D. MAYOR AND COUNCIL**

Presentation by the Bureau of Customs and Border Protection regarding plans to construct a border fence at the U.S./Mexico International Border in the El Paso Sector.

Mr. John Contreras, Supervisory Agent for the United States Border Patrol, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Castro, Ortega, Quintana, and Holguin commented.

Assistant Chief Of Border Patrol Roy Hoats commented.

The following members of the public commented:

1. Mr. Fernando Garcia
2. Mr. Jesus Reyes
3. Mr. Ray Mancera, representing League of United Latin American Citizens

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

**NO ACTION**, other than the above procedural Motion, was taken on the item.

.....  
**11E. MAYOR AND COUNCIL**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **DENY** the request from the Albuquerque District Corps of Engineers for 24-month access road across City owned property to an existing staging area located on International Boundary and Water Commission (IBWC) property to support the border fence project and to authorize the Mayor to send a letter to the Congressman explaining the reason, lack of consultation from Customs and Border Patrol with local officials.

Mayor Cook and Representatives Byrd and Quintana commented.

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

.....  
**11F.**

**RESOLUTION**

That the City Council supports the City of El Paso's bid to host the Association of Mayors, Councilmembers and Commissioners Annual Elected Officials Conference in February of 2010 and that the City Manager be authorized to sign any and all documentation necessary to make arrangements for the conference in the event the bid is awarded to the City of El Paso.

Mayor Cook and Representatives Byrd and Quintana commented.

Ms. Sylvia Borunda Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Holguin

.....  
**12.**

**RESOLUTION**

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Copperfield, LLC, a Minnesota limited liability company ("Applicant"), in relation to the Applicant's development of a wire manufacturing facility in El Paso, Texas.

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

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

Mr. Javier Gadney, Economic Development Business Services Coordinator, commented.

Mr. Amos Grey, General Manager of Copperfield, LLC, commented.

Mr. Richard Schechter, citizen, commented.

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

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

NAYS: Representative Castro and Quintana

NOT PRESENT FOR THE VOTE: Representative Holguin

.....  
**13A.**

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

That the City Manager be authorized to sign the Articles of Agreement between the City of El Paso and the Local 51, International Association of Fire Fighters, Inc., for the contract period covering March 18, 2008 through August 31, 2010; and that the Council authorizes and declares that the effective date of the pay scales, Appendix A, pages A-1, shall be March 18, 2008, and notwithstanding language to the contrary, the effective date for the paramedic pay in Article XI, Section 2 of the Agreement shall be March 18, 2008.

Mayor Cook commented.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, and Fire Chief Roberto Rivera commented.

Mr. Joe Tellez, President of the Association of Fire Fighters, commented.

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

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

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

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

.....  
**13B1. CITY MANAGER**

City Manager's report of current events and issues:

Presentation by Kathryn Dodson, Economic Development Director, with the results of the Buxton retail study. In addition, John Benton, General Manager of the El Paso Outlet Shoppes, and Tom Rumpitz, Senior Vice President of Horizon Group, will follow with a brief update of the outlet mall retail project.

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

Representative Lilly commented.

Mr. John Benton, General Manager of the El Paso Outlet Shoppes, and Mr. Tom Rumptz, Senior Vice President of the Horizon Group, commented.

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

.....  
**13B2. CITY MANAGER**

City Manager's report of current events and issues:

Transportation Projects Overview

- A) Project selection process through the Metropolitan Planning Organization
- B) City transportation projects programmed in the Transportation Improvement Plan
- C) Upcoming funding agreements on programmed transportation projects

Mayor Cook and Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **POSTPONE** the item for one week.

**NOT PRESENT FOR THE VOTE:** Representative Holguin

.....  
Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **ADJOURN** this meeting at 12:51 p.m.  
.....

**APPROVED AS TO CONTENT:**

---

Richarda Duffy Momsen, City Clerk