

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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
APRIL 6, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, and Steve Ortega. Late arrivals: Ann Morgan Lilly at 8:37 a.m., Eddie Holguin, Jr. at 8:40 a.m., and Beto O'Rourke at 8:41 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

1. NATIONAL COMMUNITY COLLEGE MONTH
2. COMMUNITY DEVELOPMENT WEEK
3. CHILD ABUSE PREVENTION MONTH-GO BLUE DAY
4. NATIONAL BOOKMOBILE DAY 2010
5. GLOBAL YOUTH SERVICE DAY IN EL PASO

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 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 member of the public commented:

1. Mr. Jerry Thiedt

Mayor Cook and Ms. Joyce Wilson, City Manager commented.

.....
Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 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 Lilly, Holguin and O'Rourke

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....
EX1. Claim of Union Pacific Railroad; Our File No. 10-C-048. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized settlement authority, to negotiate a settlement agreement and sign all documents to resolve the claim from the Union Pacific Railroad Company dated January 19, 2010 for repairs performed by Union Pacific to various portions of the City's bridge crossings of the railroad's right-of-way from Santa Fe through Campbell Streets.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke

.....
CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 30, 2010 and the Special Jointly – Held Meeting of the City Council and the Public Service Board of March 31, 2010.

.....
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"), Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995 ("Assignor"), and Buzz Oates LLC ("Assignee") for the following described property:

Lot 3, Block 7, Butterfield Trail Industrial Park, Unit One, Replat "A", an addition to the City of El Paso, El Paso County, Texas, municipally known as 20 Zane Grey, El Paso, Texas.

.....
3B.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995 ("Assignor"), and Buzz Oates LLC ("Assignee") for the following described property:

Lots 3, 4 and 5, Block 3, Butterfield Trail Industrial Park Unit One, Replat "A", and lot 2, Block 3, Butterfield Trail Industrial Park Unit One Replat "C", municipally known and numbered as #5, 7, 9 & 11 Founders, City of El Paso, El Paso County, Texas.

.....
3C.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Marvin L. Oates, as Trustee of the Marvin L. Oates Trust dated March 7, 1995 ("Assignor"), and Buzz Oates LLC ("Assignee") for the following described property:

Lots 4, 5 and 6, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", municipally known and numbered as #16 Zane Grey; and Lot 1, Block 12, Butterfield Trail Industrial Park Unit Two, municipally known and numbered as #21 Butterfield Trail, City of El Paso, El Paso County, Texas.

.....
3D.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the west side of Palm Street between Wyoming Avenue and the alley to the north at 2235 Wyoming Avenue; and

WHEREAS, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles per average day nor more than 500 vehicles per hour for any consecutive three hours of an average day; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

THAT the City Engineer is hereby authorized and directed to designate six (6) offset angle parking spaces on the west side of Palm Street between Wyoming Avenue and the alley to the north at the address of 2235 Wyoming Avenue. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

.....
TAKEN WITH ITEM 12

3E.

RESOLUTION

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso (“City”) and the State of Texas, acting by and through the Texas Department of Transportation (“State”). The scope of work for this Agreement is described as the preparation of a land use plan consisting of both a physical and policy plan to guide the development of the abandoned ASARCO site.

Representatives Byrd, Ortega, Acosta and O’Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA AND TAKE WITH ITEM 12.**

2ND AND FINAL MOTION

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

.....
3F.

***RESOLUTION**

WHEREAS, on May 21, 1970, the City of El Paso (the City) and the Greater El Paso Chamber of Commerce, formerly known as The El Paso Chamber of Commerce, (the Chamber) entered into a Lease Agreement for a portion of City property; and

WHEREAS, on May 31, 1973, the City and the Chamber amended the May 21, 1970 Lease Agreement to include additional property and to clarify the Chamber’s consideration for the lease; and

WHEREAS, on March 16, 1993, the City and the Chamber extended the term of the Lease for an additional twenty (20) year period; and

WHEREAS, because through the years, the services provided as consideration for this lease have been modified and the City and the Chamber desire to clarify and restate the services the Chamber will provide as consideration for the lease and to also redefine the leased premises,

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 1970 Lease Agreement between the City of El Paso and the Greater El Paso Chamber of Commerce.

1ST MOTION

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

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:50 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

3RD MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 10:18 a.m. and **RECONVENE** the meeting of the City Council.

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

4TH AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign the Third Amendment to the 1970 Lease Agreement between the City of El Paso and the Greater El Paso Chamber of Commerce.

AYES: Representatives Byrd, Acosta, Robinson, Holguin, and Ortega

NAYS: NONE

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

.....
4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Carina Ramirez to the Art Museum Advisory Board by Representative Steve Ortega, District 7.
.....

5. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Wells Fargo in the amount of \$3,034.43 overpayment of 2009 taxes. (PID #1996-999-2096-0034).
- B. Westside Trucks LLC., in the amount of \$7,304.13 overpayment of 2009 taxes. (PID #2001-000-0804-0023).
- C. Baker Distributing Co., LLC in the amount of \$18,339.58 overpayment of 2009 taxes. (PID #2001-999-0935-0042).
- D. Baker Distributing Co., LLC in the amount of \$37,520.80 overpayment of 2009 taxes. (PID #2001-999-0935-0042).
- E. AHMSI American Home Mortgage in the amount of \$5,948.57 overpayment of 2009 taxes. (PID #C231-999-0300-1050).
- F. Dean Travis in the amount of \$11,102.14 overpayment of 2009 taxes. (PID #D325-999-0010-0150).
- G. KD Foods Enterprises, Inc., in the amount of \$2,896.79 overpayment of 2009 taxes. (PID #F595-999-0010-0200).

- H. Wells Fargo Home Mortgage in the amount of \$5,400.73 overpayment of 2009 taxes. (PID #H454-999-0070-0300).
- I. Bingham Investments, Inc., in the amount of \$5,095.35 overpayment of 2009 taxes. (PID #L541-999-001A-4300).
- J. Nadira Egamberdi in the amount of \$3,788.69 overpayment of 2009 taxes. (PID #M403-999-0040-1700).
- K. Gabriel Manquero in the amount of \$12,147.47 overpayment of 2009 taxes. (PID #0404-999-0030-1200).
- L. BAC Tax Services Corporation in the amount of \$6,009.45 overpayment of 2009 taxes. (PID #P585-000-0190-2450).
- M. BAC Tax Services Corporation in the amount of \$5,806.17 overpayment of 2009 taxes. (PID #P654-999-0680-5500).
- N. Southwest Convenience Stores, LLC in the amount of \$11,662.88 overpayment of 2009 taxes. (PID #P656-999-0090-0100).
- O. First American R/E Tax Service in the amount of \$3,414.02 overpayment of 2009 taxes. (PID #P863-999-0260-3400).
- P. Select Portfolio Servicing, Inc., in the amount of \$3,252.04 overpayment of 2009 taxes. (PID #R745-999-001B-1400).
- Q. Terry Wilson in the amount of \$2,879.67 overpayment of 2009 taxes. (PID #S075-000-0630-1735).
- R. Rose & O Family Partners in the amount of \$3,630.18 overpayment of 2009 taxes. (PID #S231-999-016A-4100).
- S. Rio Bravo Title in the amount of \$3,630.57 overpayment of 2009 taxes. (PID #S814-999-0190-1800).
- T. The PEP Boys in the amount of \$7,848.22 overpayment of 2009 taxes. (PID #S993-999-0010-1140).
- U. Mills Escrow Company in the amount of \$3,608.84 overpayment of 2009 taxes. (PID #T198-000-0010-0800).
- V. Sierra Title Company in the amount of \$6,195.43 overpayment of 2009 taxes. (PID #U823-999-0010-9360).
- W. Government Employees Credit Union in the amount of \$3,274.52 overpayment of 2009 taxes. (PID #V869-000-0010-0300).
- X. First American Real Estate Tax in the amount of \$6,113.61 overpayment of 2009 taxes. (PID #V893-999-2670-0700).

- Y. Bingham Investments Inc., in the amount of \$3,471.16 overpayment of 2007 taxes. (PID #V893-999-3610-3800).
- Z. Texas Title Co., in the amount of \$3,202.27 overpayment of 2009 taxes. (PID #V893-999-5720-1700).
- AA. Suntrust Mortgage in the amount of \$5,003.61 overpayment of 2009 taxes. (PID #V897-999-0460-0100).
- BB. Lawyers Title Insurance Corp., in the amount of \$52,982.67 overpayment of 2009 taxes. (PID #X293-999-F00A-2700).

.....

6. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-127 for the Hueco Mountain Park Improvements, to Martinez Bros. Contractors, LLC, for a total estimated amount of \$139,740.

Department:	Engineering
Award to:	Martinez Bros. Contractors, LLC
Base Bid:	\$126,270
Option #1:	\$ 7,980
Option #2:	\$ 5,490
Funding Source:	2008 Reprogramming - Park Proportionality
Total Estimated Award:	\$139,740

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

.....

7A. – 7C. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Byrd, 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:

NOT PRESENT FOR THE VOTE: Representative Lilly

7A. An Ordinance amending Ordinance No. 013980, as amended by Ordinances 014787, 015374 and 016006 which granted a Special Privilege to Keller & Azar Joint Venture, Inc. (Owner), and Boeing North American, Inc. (Lessee), as assigned to and transferred to Wes Uhlman & Associates, Inc./Mallard El Paso Limited Partnership (Owners) and The Boeing Company (Lessee) to permit the temporary use of a portion of Threadgill Avenue for security purposes, by extending the term through November 30, 2014.

PUBLIC HEARING WILL BE HELD ON APRIL 13, 2010, FOR ITEM 7A

7B. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at 634 Casa Grande Pl. to Aimee and Leonel Saldivar.

PUBLIC HEARING WILL BE HELD ON APRIL 20, 2010 FOR ITEM 7B

7C. An Ordinance amending Ordinance No. 017134 which changed the zoning, with conditions, of Lot 1, Block 1, Parkland Addition Replat B, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 27, 2010 FOR ITEM 7C

.....
ITEMS TAKEN TOGETHER

8A. ENGINEERING:

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-159 for the Neighborhood Traffic Management Program 2010, to Martinez Bros. Contractors, LLC for a total estimated amount of \$675,711.51.

Department:	Engineering
Award to:	Martinez Bros. Contractors, LLC
Base Bid:	\$675,711.51
Funding Source:	2008 Reprogramming Certificates of Obligation/ 2009 Certificates of Obligation
Total Estimated Award:	\$675,711.51

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney and the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the

work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

8B. ENGINEERING:

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-160 for the Neighborhood Traffic Management Program 2010A, to Martinez Bros. Contractors, LLC for a total estimated amount of \$670,445.39.

Department:	Engineering
Award to:	Martinez Bros. Contractors, LLC
Base Bid:	\$670,445.39
Funding Source:	2008 Reprogramming Certificates of Obligation/ 2009 Certificates of Obligation
Total Estimated Award:	\$670,445.39

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney and the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

Mayor Cook and Representatives Quintana and Byrd commented.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

.....
9A. 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 Lots 1 and 15, save and except two portions thereof attached hereto, Block 3, Lots 2 through 14, Block 3, WFF Industries Park Unit One Replat A, City of El Paso, El Paso County, Texas, from M-1/SC (Manufacturing/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
.....

9B.

ORDINANCE 17305

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 14 THROUGH 16, BLOCK 59, EAST EL PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE). 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).

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O’Rourke
NAYS: None

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

.....
9C.

ORDINANCE 17306

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS); CHAPTER 20.06 (ZONING DISTRICTS AND MAPS), SECTION 20.06.010 (DISTRICTS ESTABLISHED AND ENUMERATED) AND 20.06.020 (PURPOSE OF DISTRICTS) AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), 20.16 (SCREENING AND FENCING) AND APPENDIX A (TABLE OF PERMISSIBLE USES) AND APPENDIX B (TABLE OF DENSITY AND DIMENSIONAL STANDARDS) OF THE EL PASO CITY CODE, TO ADD A DEFINITION FOR NATURAL OPEN SPACE, ESTABLISH A NATURAL OPEN SPACE DISTRICT; ESTABLISH STANDARDS FOR SUPPLEMENTAL USES IN OPEN SPACE DISTRICTS; TO ESTABLISH PERMISSIBLE USE AND DENSITY AND DIMENSIONAL STANDARDS IN OPEN SPACE DISTRICTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Byrd, Ortega, Robinson, Quintana and O’Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning and Mr. Rick Lobello, Education curator at the El Paso Zoo, presented a PowerPoint presentation (on file in the City Clerk’s office).

The following City staff members commented:

- 1. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Mr. Mathew McElroy, Deputy Director of Planning

The following members of the public commented:

- 1. Mr. Charles Wakeem, Open Space Advisory Board member, presented a PowerPoint presentation (on file in the City Clerk’s office)
- 2. Mr. Kevin von Finger, Open Space Advisory Board member

3. Ms. Lois Balin, Open Space Advisory Board member, presented a PowerPoint presentation (on file in the City Clerk's office)
4. Mr. Matt Carroll, Friends of the Arroyo member
5. Mr. Alexander V. Neill, Keystone Heritage Park Board of Directors
6. Mr. Bernie Sargent, Keystone Heritage Park Board member

1ST MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:32 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:45 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

3RD MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Charlie Wakeem two additional minutes to address the Council.

4TH MOTION

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

5TH AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinances be **ADOPTED AS REVISED**, with an 8 foot rock wall, a 10 foot landscape buffer, and reference to the Bosque as a natural open space. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: None

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

.....
9D.

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 18, BLOCK 30, PEBBLE HILLS UNIT THREE, 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).
 Representative Quintana commented.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Carlos Jimenez, CAD Consulting, representing the applicant commented.

Motion duly made by Representative Quintana, seconded by Representative Byrd, that the Ordinances be **DENIED**. Whereupon the Mayor ordered that a vote be taken on the denial of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in denial of the Ordinances, the same be and the same are hereby **DENIED**.

.....
9E.

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of Lots 11 to 18, Block 47, Campbell Addition, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

.....
10.

ORDINANCE 17307

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 010873, ORDINANCE NO. 12476, AND ORDINANCE NO. 14981 TO APPROVE THE USE OF THE USER AGREEMENTS AND USER/DISTRIBUTION SITE OPERATOR AGREEMENTS FOR FOREIGN TRADE ZONE NO. 68 AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THESE TYPES OF AGREEMENTS ON BEHALF OF THE CITY OF EL PASO.**

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

.....
11. DEVELOPMENT SERVICES:

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, to remain at 5% for Type A Units in Ordinance 017190 and to have the results of the analysis come back to City Council as soon as possible. **THE MOTION FAILED.**

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried to **DIRECT** staff to come back to the City Council with an revised Ordinance on the requirements of Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), of the El Paso City Code, pertaining to the number of required multi-family units that must meet the Texas Accessibility Standards, and more specifically to approve the 3% compromise for Type A units, pending the fair housing analysis and that the analysis include the process of creating a real time data base of available Type A apartments and a methodology for affirmative marketing, including marketing to the Spanish speaking community and for Legal to determine whether the City can legally require apartment owners to use the data base and populate it with accurate data.

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

NAYS: Representatives Quintana and Holguin

Mayor Pro Tempore Acosta presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Mr. Victor Morrison – Vega, Deputy Director of Building Permits and Inspections
2. Mr. William Lilly, Director of Community and Human Development
3. Mr. Charlie McNabb, City Attorney, gave legal advice

The following members of the public commented:

Mr. Lewis Chew, Executive Director of VOLAR, presented a PowerPoint presentation (on file in the City Clerk's office).

1. Ms. Mica Espinoza, Vice President of Government Relations of the Greater El Paso Chamber of Commerce
2. Mr. Arne Schonberger
3. Mr. Ray Baca
4. Mr. Anibal Olague, Border Housing Economic Justice Center
5. Mr. James W. Peterson
6. Mr. Marc Salazar, VOLAR volunteer
7. Ms. Kristin Sizemore, Bohannon Development
8. Mr. Tom Bohannon, Bohannon Development
9. Ms. Melanie Bailey, Integrity Asset Management, President of El Paso Apartment Association
10. Mr. Richard Saunders, an apartment developer
11. Ms. Lisa Turner
12. Ms. Briana Stone, Texas Civil Rights Project
13. Mr. Doug Wright, The Wright Companies Real Estate
14. Ms. Jane Jones, Advocacy Transportation Coordinator
15. Ms. Olivia Chavez
16. Mr. Joe Olvera
17. Ms. Julieta Olvera
18. Ms. Apolonia Lozano, VOLAR
19. Ms. Casey Griffin, Integrity Asset Management
20. Mr. Frank Lozano
21. Mr. Jose Rodriguez
22. Mr. John Eger

TAKEN WITH ITEM 3E

12.

RESOLUTION

That the City Manager is authorized to sign the Agreement for Professional Services by and between the City of El Paso and Dover, Kohl and Partners for a project known as "A NEW PLAN FOR EL PASO – A REWRITE OF THE CITY'S COMPREHENSIVE PLAN", for an amount not to exceed \$556,193 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$606,193. The City Manager is also authorized to make all necessary budget transfers in connection with the award of this contract.

Representatives Byrd, Ortega, Acosta and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

.....
ITEMS TAKEN TOGETHER

13A.

RESOLUTION

EXPRESSING THE CITY OF EL PASO'S INTENT TO CREATE TRANSPORTATION REINVESTMENT ZONE NUMBER 2 TO FINANCE TRANSPORTATION PROJECTS IN SUPPORT OF THE COMPREHENSIVE MOBILITY PLAN FOR EL PASO; SETTING THE DATE FOR A PUBLIC HEARING ON THE DESIGNATION OF THE ZONE AND ITS BENEFITS TO THE MUNICIPALITY AND TO PROPERTY IN THE PROPOSED ZONE; AND AUTHORIZING THE CITY MANAGER TO PUBLISH NOTICE OF THE HEARING IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE MUNICIPALITY.

WHEREAS, the City of El Paso (the "City") has adopted a Comprehensive Mobility Plan (CMP) for El Paso, to address the transportation needs of the city and to foster and support economic growth and opportunity; and

WHEREAS, a Transportation Reinvestment Zone ("TRZ") is an economic development tool that the City may use to finance needed transportation improvements and enhance infrastructure within the city; and

WHEREAS, the City desires to create a TRZ to promote transportation projects that will cultivate development or redevelopment within the Zone; and

WHEREAS, pursuant to the Texas Transportation Code, Chapter 222.106 (the "Act"), the governing body of a municipality by ordinance may designate a contiguous geographic area within the jurisdiction of the municipality to be a TRZ (the "Zone"); and

WHEREAS, prior to the creation of the Zone, but not later than the 30th day before the date the City proposes to adopt an ordinance designating an area as a transportation reinvestment zone, the City must hold a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone; and

WHEREAS, notice of the public hearing must be published in a newspaper of general circulation, not later than the seventh day before the date of the public hearing; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. INTENT TO CREATE TRANSPORTATION REINVESTMENT ZONE NUMBER 2. The City hereby expresses its intent to create a Transportation Reinvestment Zone ("TRZ") for the purpose of financing public transportation projects. The Proposed TRZ is described in **Exhibit A**, attached hereto and incorporated herein for all purposes.

SECTION 2. DATE OF PUBLIC HEARING. Pursuant to Texas Transportation Code, Chapter 222.106(e), a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone is set for Tuesday, April 20, 2010 at 6:00 p.m. in City Council Chambers, El Paso City Hall.

SECTION 3. PUBLICATION OF NOTICE. The City Manager is hereby authorized to publish notice of the public hearing in the El Paso Times, or another newspaper of general circulation, not later than the seventh day before the date of the public hearing.

SECTION 3. This Resolution shall take effect on the date of passage hereof.

13B.

RESOLUTION

EXPRESSING THE CITY OF EL PASO'S INTENT TO CREATE TRANSPORTATION REINVESTMENT ZONE NUMBER 3 TO FINANCE TRANSPORTATION PROJECTS IN SUPPORT OF THE COMPREHENSIVE MOBILITY PLAN FOR EL PASO; SETTING THE DATE FOR A PUBLIC HEARING ON THE DESIGNATION OF THE ZONE AND ITS BENEFITS TO THE MUNICIPALITY AND TO PROPERTY IN THE PROPOSED ZONE; AND AUTHORIZING THE CITY MANAGER TO PUBLISH NOTICE OF THE HEARING IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE MUNICIPALITY.

WHEREAS, the City of El Paso (the "City") has adopted a Comprehensive Mobility Plan (CMP) for El Paso, to address the transportation needs of the city and to foster and support economic growth and opportunity; and

WHEREAS, a Transportation Reinvestment Zone ("TRZ") is an economic development tool that the City may use to finance needed transportation improvements and enhance infrastructure within the city; and

WHEREAS, the City desires to create a TRZ to promote transportation projects that will cultivate development or redevelopment within the Zone; and

WHEREAS, pursuant to the Texas Transportation Code, Chapter 222.106 (the "Act"), the governing body of a municipality by ordinance may designate a contiguous geographic area within the jurisdiction of the municipality to be a TRZ (the "Zone"); and

WHEREAS, prior to the creation of the Zone, but not later than the 30th day before the date the City proposes to adopt an ordinance designating an area as a transportation reinvestment zone, the City must hold a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone; and

WHEREAS, notice of the public hearing must be published in a newspaper of general circulation, not later than the seventh day before the date of the public hearing; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. INTENT TO CREATE TRANSPORTATION REINVESTMENT ZONE NUMBER 3. The City hereby expresses its intent to create a Transportation Reinvestment Zone ("TRZ") for the purpose of financing public transportation projects. The Proposed TRZ is described in **Exhibit A**, attached hereto and incorporated herein for all purposes.

SECTION 2. DATE OF PUBLIC HEARING. Pursuant to Texas Transportation Code, Chapter 222.106(e), a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone is set for Tuesday, April 20, 2010 at 6:00 p.m. in City Council Chambers, El Paso City Hall.

SECTION 3. PUBLICATION OF NOTICE. The City Manager is hereby authorized to publish notice of the public hearing in the El Paso Times, or another newspaper of general circulation, not later than the seventh day before the date of the public hearing.

SECTION 3. This Resolution shall take effect on the date of passage hereof.

Mr. William Studer, Deputy City Manager of Finance and Public Safety, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** the Resolutions.

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:10 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk