

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 10, 2007  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 8:45 a.m. during Executive Session deliberations. Absent: Susannah M. Byrd requested to be excused. 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. COMMUNITY DEVELOPMENT WEEK
2. NATIONAL ALCOHOL AWARENESS MONTH
3. SENIOR GAMES MONTH
4. NATIONAL OCCUPATIONAL THERAPY MONTH

**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. William Hart
2. Mr. Marvin Rosenbaum
3. Mr. Steven Strumer
4. Mr. Ray Gilbert

Representative Steve Ortega commented.

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

Motion made by Representative Lozano, seconded by Representative Lilly, 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 item listed on the Agenda.

AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: Representative Holguin  
 ABSENT: Representative Byrd

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:28 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Castro  
 ABSENT: Representative Byrd

.....  
**EX1.** Discussion and action related to ASARCO pending litigation and other legal matters. (551.071)

Representatives Steve Ortega and Beto O'Rourke commented.

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

The following members of the public from Association of Community Organizations for Reform Now (A.C.O.R.N.) commented:

1. Mr. Raul Amaya
2. Mr. Daniel Arrellano
3. Mr. Carlos Rodriguez
4. Mr. Miki Girts
5. Ms. Janelle Borsberry
6. Mr. Larry Marquez

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative O'Rourke, and unanimously carried that the City of El Paso **AUTHORIZES** the City Attorney's Office and outside counsel for the City of El Paso to conduct negotiations and take other necessary actions to protect the City's interests in relation to the City's proof of claim in the ASARCO LLC bankruptcy proceeding (Case Number 05-21207) in the United States Bankruptcy Court, Southern District of Texas.

.....  
**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
 NAYS: None  
 ABSENT: Representative Byrd

.....

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 3, 2007, and the Special City Council Meeting of April 3, 2007 (Cross Border Communications and Emergency Response Strategies).

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

\*Motion made, seconded, and carried to **EXCUSE** Representative Byrd from the Regular Council Meeting of April 10, 2007.

**3A.**

**\*RESOLUTION**

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

**THAT** the City Manager be authorized to sign the 2004 SHSP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) de-obligating funds in the amount of \$24,104.73.

**3B.**

**\*RESOLUTION**

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

**THAT** the City Manager be authorized to sign the 2004 LETPP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) de-obligating funds in the amount of \$3,496.34.

**3C.**

**\*RESOLUTION**

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

**THAT** the City Manager be authorized to sign an Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and ExpressJet Airlines, Inc. The term of the Agreement will be May 1, 2007, through August 31, 2007.

**3D.**

**\*RESOLUTION**

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

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Serious Habitual Offender Comprehensive Action Program (SHOCAP) be operated for the August 1, 2007 --- July 31, 2008 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Juvenile Accountability Block Grant Program (Office of the Governor Criminal Justice Division) grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Serious Habitual Offender Comprehensive Action Program (SHOCAP) project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$19,879.61, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Serious Habitual Offender Comprehensive Action Program (SHOCAP).
3. The City of El Paso agrees to provide cash matching funds in the amount of \$1,789.16.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. Lt. Joe Molinar with the El Paso Police Department be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's; El Paso County Attorney's Office, El Paso County Juvenile Probation Department, Child Protective Services, Texas Youth Commission and Communities In Schools-El Paso, Inc.

.....  
3E.

**\*RESOLUTION**

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

That the Mayor be authorized to sign an Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Instituto Municipal de Investigación y Planeación ("IMIP") wherein MPO will provide analysis and GIS technical work for IMIP travel study. The contract period is from October 31, 2006, through October 30, 2007, and IMIP will reimburse the MPO \$30,000.00.

.....  
3F.

**\*RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the Texas Department of Transportation (TxDOT) for TxDOT to perform traffic data collection at locations which are off the state system for the City of El Paso (MPO). The cost to perform the services shall not exceed \$21,280.00.

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

**WHEREAS**, on December 30, 1981, the City Council of the City of El Paso (the "City") was given and accepted land fronting Doniphan Drive in El Paso, Texas (the "Property") from Ms. Katharine White Harvey to be used for the express and sole use or benefit of the El Paso Museum of Art (the "Museum");

**WHEREAS**, the Property was deemed a capital asset and as such it is considered tangible property, which cannot easily be converted into cash and has an initial life extending beyond a period of one year;

**WHEREAS**, on September 5, 2006, the City sold the Property and netted an amount equal to Three Hundred Fifty Five Thousand Eight Hundred Fifty Dollars (\$355,850.00) (the "Proceeds");

**WHEREAS**, within the City's Special Revenue Fund, the City desires to establish a separate restricted fund to be known as the "Katharine White Harvey Fund" (the "KWH Fund") which shall be funded with the Proceeds;

**WHEREAS**, the City desires to use the Proceeds in the KWH Fund for the purpose of purchasing capital assets, with a primary focus on purchasing works of art, for the Museum;

**WHEREAS**, the City desires to prohibit the expending of: (i) One Hundred Eighty Thousand Dollars (\$180,000.00) of the Proceeds (the "Restricted Funds"); and (ii) twenty percent (20%) of any interest allocated to the Proceeds, which shall be added to the Restricted Funds amount. The remaining eighty percent (80%) of the interest allocated to the Proceeds shall be used to purchase capital assets, with a primary focus on purchasing works of art, for the Museum;

**WHEREAS**, the City desires that no more than twenty percent (20%) of the Proceeds, that are not Restricted Funds, be spent in any given fiscal year for the purchase of capital assets for the Museum. Any portion of said twenty percent (20%), which is not spent on a given fiscal year, may be spent in the following fiscal year;

**WHEREAS**, Section 7.6 of the City Charter states that the proceeds from the sale of capital assets may not be used for recurring operational expenses;

**WHEREAS**, the City has determined that the Property was a capital asset for purposes of Section 7.6 of the City Charter and, as such, the proceeds from its sale may not be used for recurring operational expenses;

**WHEREAS**, the City has determined that so as long as the Proceeds are used by the Museum for the purchase of other capital assets (e.g., works of art) and not expended for operating expenses, the City complies with the restriction placed on the Property at the time it was gifted to the City and Section 7.6 of the City Charter; and

**WHEREAS**, the City desires to acknowledge Ms. Katharine White Harvey by requiring all purchases from any portion of the Proceeds or interest earned there from, be associated with her name in all label materials, press, and publications and that all labels and acknowledgements read, "El Paso Museum of Art Purchase, Katharine White Harvey Fund."

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

**THAT**, the City establish a separate restricted fund within the City's Special Revenue Fund to be known as the "Katharine White Harvey Fund" which shall be funded with the Proceeds;

**THAT**, the City Manager be authorized to execute any and all documents pertaining to the establishment and management of the KWH Fund;

**THAT**, the Proceeds in the KWH Fund shall be invested in accordance with the City's investment policy with the preservation and safety of principal as the foremost objectives of any investments related to the KWH Fund. Interest revenue will be allocated in accordance with the City's investment policy and accounted for in the KWH Fund and shall be used in the manner described in this resolution;

**THAT**, the City use the Proceeds in the KWH Fund for the purpose of purchasing capital assets, with a primary focus on purchasing works of art, for the Museum;

**THAT**, the City shall not expend: (i) the Restricted Funds; and (ii) twenty percent (20%) of any interest allocated to the Proceeds, which shall be added to the Restricted Funds amount. The remaining eighty percent (80%) of the interest allocated to the Proceeds shall be used to purchase capital assets, with a primary emphasis on purchasing works of art, for the Museum;

**THAT**, the City shall not expend more than twenty percent (20%) of the Proceeds in the KWH Fund, that are not Restricted Funds, in any given fiscal year. Any portion of the twenty percent (20%), which is not spent on a given fiscal year, may be spent in the following fiscal year;

**THAT**, the Director of the Museum shall make capital asset purchase recommendations, in accordance with established Museum policies and procedures to either the City Manager or City Council as required by State law and City ordinances and resolutions; and

**THAT**, the City shall acknowledge Ms. Katharine White Harvey by requiring all purchases from any portion of the Proceeds or interest earned there from, be associated with her name in all label materials, press, and publications and that all labels and acknowledgements read, "El Paso Museum of Art Purchase, Katharine White Harvey Fund."

.....  
3H.

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

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

**WHEREAS**, the City Plan Commission (CPC) was established to review and approve subdivision applications, and to review and make recommendations to City Council about all zoning-related matters; and

**WHEREAS**, the City of El Paso believes that training is important for the development of CPC board members and other elected officials so they may make informed decisions; and

**WHEREAS**, on Friday, April 27, 2007 at the Plaza Theater, the local chapter of the American Planning Association (APA) will provide a training workshop, *Planning Commissioners and Elected Officials Planning Workshop*; and

**WHEREAS**, this City finds a public purpose in co-sponsoring the event because the event provides a training opportunity for city staff and elected official to attend such training, which would otherwise not be locally available,

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

That the City of El Paso agrees to be the co-sponsor, at no cost to the City, of the training event along with the El Paso chapter of the APA.

.....  
4A.

**\*RESOLUTION**

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

That the Mayor be authorized to sign a Joint Resolution with the County of El Paso appointing Hector I. Ocaranza, M.D., as the health authority for the City-County Health and Environmental District for a term, and he shall be entitled to act with the full authority of the health authority as the health authority as provided by law.

Mayor Cook and Representatives Lozano and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

Mr. Richard Schecter, citizen, and Dr. Elaine Barron, City-County Health Board representative, commented.

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

Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Dr. Barron to address the Council after the sign-up period.

.....  
4B.

**\*RESOLUTION**

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

That the Mayor be authorized to sign a Joint Resolution with the County of El Paso appointing Arthur Islas, M.D., as the alternate health authority for the City-County Health and Environmental District for a term, and he shall be entitled to act with the full authority of the health authority as the health authority as provided by law.

Mayor Cook and Representatives Steve Ortega, Holguin, and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.
- 3. Ms. Richarda Momsen, Municipal Clerk

Mr. Richard Schecter, citizen, commented.

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

Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Dr. Barron to address the Council after the sign-up period.

**5. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gerardo L. Camacho to the International Bridge Commission by Representative Jose Alexandro Lozano, District 3.

**6A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Stephen Ingle to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1.

**6B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Gary L. Williams to the History Museum Board by Representative Beto O'Rourke, District 8.

**6C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Isela Peña to the Ethics Review Commission by Representative Beto O'Rourke, District 8.

**6D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Mark Cioc to the History Museum Board by Representative Ann Morgan Lilly, District 1.

**6E. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** John Rayborn to the City Plan Commission by Mayor John F. Cook.

**7. DISCRETIONARY FUNDS**

\*Motion made, seconded and unanimously carried to **APPROVE** authorization to expend District 6 discretionary funds, Council Special Projects, Department ID 01010006, 504420-01153008-1656 PO060427 Fund 01101, in an amount not to exceed \$5,750.00 to be used for a Bingo System to include Console and Flashboard, for the Father Martinez Senior Center located at 9311 Alameda.

**8. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to issue Purchase Orders to Professional Document Systems, El Paso, Texas, in the amount of \$67,796.00.

Contract period is April 11, 2007, through April 10, 2008.

Department: Information Services  
Annual Estimated Amount: \$67,796.00  
Account No.: 39010351 – 01101 - 502202  
Funding Source: Operating Account, Data Processing Services  
Sole Source No.: 2007-154

For maintenance and software upgrades to PDS Viewpoint and DocLink Image applications software which supports the Optical Imaging System that stores such records as payroll information and the Police Department's sensitive files.

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

.....  
**9A. – 9G. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., 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:

- A. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection C (Exceptions) of the El Paso City Code to add an exception for contractor stamps, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code. (All Districts)
- B. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at the southeast corner of Benito Way and Candelaria St., as more particularly described in the Ordinance, to MJ Real Properties, Inc., in accordance with Section 34.05 (h) of the Tax Code. (District 6)
- C. An Ordinance granting a Special Privilege to Chico's Tacos Inc. permitting the encroachment onto a portion of an alley adjacent to Block 2, Tobin's Washington Park Addition, El Paso, El Paso County, Texas, to allow parking, signage, landscaping, vehicular and pedestrian traffic. (Annual Fee: \$660.00, SPL07-00001) (District 3)
- D. An Ordinance vacating the portion of the alley abutting Lots 1 through 10, Block 2, Tobin's Washington Park Addition, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06001 (District 3)
- E. An Ordinance vacating a portion of an alley located between Pera Street and Washington Park, City of El Paso, El Paso County, Texas. Applicant: Chico's Tacos Inc. AV06002 (District 3)
- F. An Ordinance authorizing the City Manager to sign a Conservation Easement Agreement with the Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas. Applicant: City of El Paso. (District 1)

**PUBLIC HEARING WILL BE HELD ON APRIL 24, 2007, FOR ITEMS 9A – 9F**

- G. An Ordinance changing the zoning of a portion of Lots 1-3, Block 21, East El Paso Subdivision, City of El Paso, El Paso County, Texas from A-3 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3301 Alameda Avenue. Applicant: Wendy Ramirez. ZON07-00014 (District 8)

**PUBLIC HEARING WILL BE HELD ON MAY 1, 2007, FOR ITEM 9G**

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

**10A. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of Lot 1, Block 300, Vista Del Sol Unit 62 Replat A, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to A-3 (Apartment), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00161.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the Public Hearing for one week.

**10B.**

**ORDINANCE 16598**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE ANNUNCIATION HOUSE, INC. TO TEMPORARILY CLOSE A PORTION OF SAN ANTONIO AVENUE FROM FLORENCE STREET TO HILLS STREET; OLIVE AVENUE FROM SAN ANTONIO AVENUE TO TAYS STREET; OVERLAND AVENUE FROM VIRGINIA STREET TO HILLS STREET; VIRGINIA STREET FROM MAGOFFIN AVENUE TO SAN ANTONIO AVENUE; AND ST. VRAIN STREET FROM MAGOFFIN AVENUE TO PAISANO DRIVE ON APRIL 14, 2007, FOR AN "OPEN-AIR MASS".**

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Motion duly made by Representative O'Rourke, 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, Lozano, Castro, Presi Ortega, Jr., and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Holguin and Steve Ortega
- ABSENT: Representative Byrd

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

**10C. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **POSTPONE** the Public Hearing for one week.

NOT PRESENT FOR THE VOTE: Representative Castro

ITEMS TAKEN TOGETHER:

10D.

**RESOLUTION**

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

**WHEREAS**, the zoning of the property described as a portion of Tract 16, Section 8, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, was changed by City Council on April 15, 1986, and,

**WHEREAS**, the rezoning was subject to the property owner entering into a contract with the city and such contract imposed a zoning condition that the property can only be used for a basketball field(s), soccer field(s), volleyball court(s), racquetball court(s), basketball court(s), tennis court(s), swimming pool(s), and other similar types of recreational uses; and,

**WHEREAS**, placement of such condition was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, the adjacent area was developed as the Sportspark, and the subject property consists of 3.0041 acres of vacant land, the applicant is proposing the development of an elevated 2.5 MG Water Tank and ponding area on subject property, and such development is compatible with adjacent development and necessary for future development in the area, and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal of the above condition on the above described property; and,

**WHEREAS**, a public hearing regarding amendment of the condition was held before the City Plan Commission, and the Commission recommended approval of the partial release; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of the above condition will protect the best interest, health, safety and welfare of the public in general.

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

1. That zoning condition imposed by a contract dated April 15, 1986, requiring that the property can only be used for a basketball field(s), soccer field(s), volleyball court(s), racquetball court(s), basketball court(s), tennis court(s), swimming pool(s), and other similar types of recreational uses be released on the portion of land identified in Exhibit "A".

2. Except as herein amended, the contract dated April 15, 1986, shall remain in full force and effect.

10E.

**RESOLUTION**

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

**WHEREAS**, River Oaks Properties, LTD, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a condition, to permit the construction and development of a shopping center; and

**WHEREAS**, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS**, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS**, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

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

1. Pursuant to requirements imposed by a condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a shopping center on the following described property which is located in a C-4/C (Commercial/Conditions) District:

*A portion of Lot 1, Block 1, and a portion of Lot 4, Block 1, El Paseo Marketplace, Replat A, City of El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A" and incorporated herein by reference.*

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/C (Commercial/Conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/C (Commercial/Conditions) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **APPROVE** the Resolutions.

.....

11.

ORDINANCE 16599

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 10 (PUBLIC PEACE, MORALS, AND WELFARE), CHAPTER 10.24 (MISCELLANEOUS OFFENSES) ADDING SECTION 10.24.040 (SEX OFFENDER RESIDENCY REGULATION) OF THE EL PASO CITY CODE TO CREATE RESTRICTIONS ON SEX OFFENDERS' RESIDENCY TO PROHIBIT CERTAIN SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF WHERE CHILDREN COMMONLY GATHER; PROVIDING FOR DEFINITIONS AND AFFIRMATIVE DEFENSES; PROVIDING FOR INJUNCTIONS; THE PENALTY BEING AS PROVIDED IN SECTION 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE.**

Police Officer Joe Garcia presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lilly, Castro, Presi Ortega, Jr., Lozano, Steve Ortega, and O'Rourke commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Paul Cross
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Captain Tom Chenowith, citizen, commented.

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Presi Ortega, Jr., 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Byrd

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

.....  
Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **RECESS** the City Council Meeting at 11:28 a.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representatives Steve Ortega and O'Rourke

.....  
Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 11:50 a.m.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....  
**12A. MAYOR AND COUNCIL**

Discussion and action regarding the installation of four-way stop sign signage at the intersection of Bucher and Dale Streets.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the item for two weeks.

.....  
**12B. MAYOR AND COUNCIL**

Discussion and action regarding placing the Lee Trevino Extension back into the City of El Paso Major Thoroughfare Plan.

Mayor Cook and Representatives Steve Ortega and Holguin commented.

The following members of the public commented:

1. Ms. Carina Ramirez, President of Save the Valley 21
2. Mr. E. Talamantes
3. Mr. Richard Dayoub

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

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Dayoub to address the Council after the sign-up period.

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

\*Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **POSTPONE** the item for two weeks.

.....  
**12C. MAYOR AND COUNCIL**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **DIRECT** that the City Manager evaluate and submit staff recommendations to the City Council on an option to have the City take over maintenance of the private infrastructure within the Hueco Mountain Village Subdivision, and including submission of a recommendation of the City Plan Commission.

Mayor Cook and Representatives Castro, Presi Ortega, Jr., and Steve Ortega commented.

Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services, commented.

.....  
**13.**

**RESOLUTION**

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

**THAT** the City expend additional available funding in the amount of \$988,861 to Allied Paving Company to fund additional labor and materials for Contract Number 2006-086, City Wide Street Resurfacing 2006.

Mayor Cook and Representative Steve Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Daryl Cole, Streets Department Director
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Richard Schechter, citizen, commented.

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

NOT PRESENT FOR THE VOTE: Representative Castro

.....  
**14. FINANCIAL SERVICES - BID**

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2007-103 (PGHMAC Surface Course 2007) to Allied Paving Co. for a total estimated amount of \$1,556,660.00.

Department: Streets  
Award to: Allied Paving Co.  
El Paso, Texas  
Base Bid: \$1,556,660.00 (estimated)  
Account No: 32010200 – 01101 - 502227  
Funding Source: General Revenue Funds

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 will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer or Interim City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering and Streets recommend award as indicated to the lowest responsive, responsible bidder.

NOT PRESENT FOR THE VOTE: Representative Castro

.....  
**15A. CITY MANAGER**

\*Motion made, seconded, and unanimously carried to **DELETE** the item regarding discussion and action on issues related to Storm 2006.

.....  
**15B. CITY MANAGER**

El Paso Convention & Visitors Bureau – Tourism Update.

Mr. Bill Blaziek, General Manager of the El Paso Convention and Visitors Bureau, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Lozano and O’Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

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

.....  
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and  
unanimously carried to **ADJOURN** this meeting at 12:40 p.m.

NOT PRESENT FOR THE VOTE: Representative Castro  
.....

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk