

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 13, 2010
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:02 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Rachel Quintana, and Steve Ortega. Late arrivals: Susannah M. Byrd at 9:03 a.m. and Beto O'Rourke at 9:10 a.m. Absent: Eddie Holguin Jr. requested to be excused. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **DROWNING PREVENTION COALITION PRESENTS APRIL POOLS DAY 2010**
2. **ARBOR DAY**
3. **MONEY SMART WEEK**
4. **NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**
5. **FOOD FROM THE EL PASO WOMEN'S BAR ASSOCIATION DAYS**

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 members of the public commented:

1. Mr. Salvador Gomez
2. Ms. Maria de Jesus Douglass

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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, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Holguin

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 6, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Eddie Holguin from the regular City Council meeting of April 13, 2010.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Sun World Investments, L.P., a Texas Limited Partnership, for the purchase of the following parcel for the Upper Valley Improvements Phase III Project, Redd Road System, for \$12,000.00:

A portion (2,234 square feet, more or less) of a 40.00 ft. wide road as shown on the Plat of Block 6, Upper Valley Surveys and all of Tract 4-A, Block 6, Upper Valley Surveys, City of El Paso, El Paso County, Texas.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign an agreement for electric service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Westside Sports Complex Phase II, 0 Isela Rubalcava, El Paso, Texas. Said property being more particularly described as a portion of a portion of Tract 1A1, Nellie D. Mundy No. 240, El Paso, El Paso County, Texas.

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3C.

***RESOLUTION**

WHEREAS, the El Paso Convention and Visitors Bureau is authorized to submit a bid to host the 2013 Texas Recreation and Park Society (TRAPS) Annual Institute in cooperation with the Texas Parks and Wildlife Department (TPW) and the Southwest Region of the National Recreation and Park Association (NRPA), and

WHEREAS, the City of El Paso, the El Paso Convention and Visitors Bureau, and the Parks and Recreation Department acknowledge the criteria and requirements specified in the site selection criteria for bid to host the Annual TRAPS Institute.

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

1. That the City Council endorses the bid submission and is committed, through its Convention and Visitors Bureau and Parks and Recreation Department, to providing the necessary resources to perform all functions consistent with the bid to host the 2013 Texas Recreation and Park Society Annual Institute, in cooperation with the Texas Parks and Wildlife Department and Southwest Region of the National Recreation and Park Association.

2. This Resolution shall be and become effective immediately upon and after its adoption and approval.

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3D.

***RESOLUTION**

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, a Parksite Maintenance Contract among the City of El Paso (the "City"), Texas Industries for the Blind and Handicapped ("TIBH") and BorderTM Industries, Inc. d/b/a Xceed Resources ("BorderTM") for the purpose of parksite maintenance in various parks within the city limits for an amount not to exceed \$205,000.00 per year for a primary term of three years to be automatically extended for two additional one year terms.

Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Nanette Smejkal, Director of Parks and Recreation
- 3. Mr. Joel McKnight, Assistant Director of Parks and Recreation

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Paul E Harrington to the Ethics Review Commission by Representative Eddie Holguin Jr., District 6.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Larry Medina to the Ethics Review Commission by Representative Emma Acosta, District 3.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Cecilia A. Rios to the City Employees Pension Fund Board of Trustees, to fill the position designated for a City retiree, effective May 1, 2010, by Mayor John F. Cook.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Linda R. Krasowski to the Animal Welfare Advisory Committee by Representative Rachel Quintana, District 5.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Maria Guadalupe Hammer to the Animal Shelter Advisory Committee by Representative Rachel Quintana, District 5.

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5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Robert G. Melson to the Animal Shelter Advisory Committee by Representative Rachel Quintana, District 5.

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6. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2007-064R, Benefit Consulting Services with the Hay Group Inc. for one additional year pursuant to the provisions of an award approved by the City Council on April 17, 2007. Contract period will be from April 16, 2010 to April 15, 2011.

Department: OMB-Insurance and Benefits Division
Option: One [of Two]
Estimated Amount: \$80,000
Funding Source: Health Benefit Fund

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7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-142 (Train Crossing Signal Equipment and Accessories) to Dennis Evers Enterprises LLC for a total award of \$74,995.

Department: Zoo
Award to: Dennis Evers Enterprises LLC
Bayfield, CO
Items: All
Funding Source: FY06 Certificates of Obligation (FY08 Reprogramming)
Total Award: \$74,995

This is a fixed-price, single (one-time) purchase.

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

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8A. – 8C. & 8E. - 8F. INTRODUCTIONS

Motion made by Mayor Pro Tempore Acosta, 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:

- 8A.** An Ordinance changing the zoning of Lot 14 and the East 6 feet of Lot 13, Block 7, North Loop Gardens, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8B.** An Ordinance changing the zoning of Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas from C-1/SC (Commercial/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8C.** An Ordinance releasing conditions placed on property by Ordinance No. 6245 which changed the zoning of Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas, and which imposed conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8E.** An Ordinance amending Title 20 (Zoning) Chapter 20.02 (General Provisions and Definitions), Article II, (Definitions) of the El Paso City Code to revise all the definitions related to signs. The penalty is as provided in Section 20.24 of the El Paso City Code.

8F. An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.680 (Temporary Uses) to allow for a fair, festival, carnival or concert as a temporary use within an area zoned commercial or R-F (Ranch and Farm). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 4, 2010, FOR ITEMS 8A – 8C & 8E - 8F

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8D. INTRODUCTION

Motion made by Mayor Pro Tempore Acosta, 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 AS REVISED** for public hearing:

8D. An Ordinance amending Title 20 (Zoning) Chapter 20.18 (Sign Regulations) of the El Paso City Code to amend Articles I, II, and III, to establish revised regulations for signs; to add definitions; to continue the prohibition of converting billboards to changeable electronic variable message (CEVM) displays; to continue the prohibition on CEVM billboards; to extend the sign regulations to the City’s extraterritorial jurisdiction; to amend provisions for construction of new, static, non-CEVM billboards; to remove exemptions for governmental entities, and to establish appeal procedures. The penalty is as provided in Section 20.24 of the El Paso City Code.

Mayor Cook and Representatives Acosta, Quintana and Ortega commented.

The following City staff members commented:

- 1. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice and read a revision into the record.
- 2. Mr. Mathew McElroy, Deputy Director of Planning

Ms. Yolanda Giner, representing billboard industry, commented.

PUBLIC HEARING WILL BE HELD ON MAY 4, 2010, FOR ITEMS 8D

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PARKS AND RECREATION:

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE AS REVISED** the Halff Associates Inc. recommendations and Mr. Charlie Wakeem’s recommendations for the roles and responsibilities of the Open Space Advisory Board, except for the method of appointment proposed by Mr. Wakeem, and to bring back to City Council a revised enabling legislative Ordinance.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

ABSENT: Representative Holguin

Mr. Jim Carrillo, Vice President for Halff Associates, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Nanette Smejkal, Director of Parks and Recreation
3. Ms. Pat Aduino, Deputy City Manager of Development and Infrastructure
4. Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life
5. Mr. Alan Shubert, City Engineer
6. Mr. Mathew McElroy, Deputy Director of Planning
7. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Charlie Wakeem, Open Space Advisory Board member, presented a PowerPoint presentation (on file in the City Clerk’s office)
2. Mr. Richard Thomas, Open Space Advisory Board member
3. Mr. Jim Tolbert, Open Space Advisory Board member
4. Ms. Judy Ackerman, citizen
5. Mr. Kevin vonFinger, Open Space Advisory Board member
6. Mr. Bill Addington, Open Space Advisory Board member

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10. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the Public Hearing on an Ordinance changing the zoning of a portion of Lots 1 and 15, save and except two portions thereof, 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.

Mayor Cook commented.

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

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

NAYS: None

ABSENT: Representative Holguin

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11.

ORDINANCE 17308

The City Clerk read an Ordinance entitled: **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.**

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

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

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL:

Discussion and action to determine if all proposed Ordinances that establish policy and law should be referred to appropriate Legislative Review Committees (LRCs) prior to action by City Council to further determine if LRCs are necessary period.

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

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

NO ACTION was taken on the item.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 11:48 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk