

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  
MAY 4, 2010  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 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, Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly and Eddie Holguin, Jr. arrived during Executive Session deliberations. 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. **OLDER AMERICANS AWARENESS MONTH**
2. **BOWIE HIGH SCHOOL BOYS BASKETBALL APPRECIATION DAY**
3. **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY**
4. **NATIONAL STEM AWARENESS WEEK**
5. **NATIONAL DAY OF PRAYER**

**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. Mark Benitez
2. Mr. Sal Gomez

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period for the remainder of the City Council meeting.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 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

NOT PRESENT FOR THE VOTE:   Representatives Lilly and Holguin

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

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:43 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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**EX1.**   Application of El Paso Electric Company to change Rates, to reconcile Fuel Costs, to establish Formula-Based Fuel Factors, and to establish an Energy Efficiency Cost Recovery Factor and Intervention on behalf of the City of El Paso regarding such Application before the Public Utility Commission of Texas, Docket No. 37690. (551.071)

Mayor Cook commented.

Lisa Turner, citizen, commented.

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

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**EX2.**   Discussion and action regarding the lawsuit entitled Diana Kirk vs the City, Cause No. 2008-3447. (551.071)

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried that outside counsel for the City of El Paso be authorized to reject Plaintiff's settlement demand in the lawsuit styled Diana Kirk vs. City of El Paso; Cause No. 2008-3447.

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

NAYS: Representatives Robinson, Quintana and Holguin

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, and unanimously carried to **RECONSIDER** the item.

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that outside counsel for the City of El Paso be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled Diana Kirk vs. City of El Paso.; Cause No. 2008-3447.

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

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**EX3.** In the matter of the Estate of Mario Alberto Dunaway; Our File No. 10-C-075 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and unanimously carried that Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to take any and all actions, including but not limited to filing all the necessary pleadings to resolve the matter of the Estate of Mario Alberto Dunaway; Our File No. 10-C-075.

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**EX4.** Discussion and action on the Potential lease of a portion of the property owned by the City of El Paso municipally known and numbered as 8600 Montana Avenue, El Paso, Texas. (551.072)

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

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**EX5.** Discussion and action regarding Legal issues related to In the matter of Southside Low Income Housing Development Corporation, Case No. 10-30710 in the United States Bankruptcy Court, Western District of Texas, El Paso Division. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City Council on behalf of the City of El Paso waive any conflict of interest in relation to representation of the City in the matter of Southside Low Income Housing Development Corporation, Case No. 10-30710 in the United States Bankruptcy Court Western District of Texas, El Paso Division, by Robert Feuille and his law firm Scott Hulse, P.C., where Mr. Feuille or his law firm is representing another creditor in the bankruptcy matter; and that the City Manager be authorized to execute a waiver of conflict of interest statement related thereto.

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

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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, Holguin, Ortega, and O'Rourke  
NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 27, 2010 and the Special Work Session Meeting of April 29, 2010 (Financial Strategic Planning).

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

**NO ACTION** was taken on this item.  
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**3A.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the City Code, the City Council of the City of El Paso, by Order dated the 25<sup>th</sup> day of March, 2003, after due notice and hearing, issued an order to MARIA BAXLEY, EXECUTRIX OF THE ESTATE OF ANGELICA REYES, record Owner of the hereinafter described property that the structure be secured and within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of the securing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Pt. Of Tract 17 BEG 5.99 FT. S of NWC 260.72 of W – 53.31 Ft. on S 293.39 Ft. on E – 38.4 Ft on N, McElroy Acres, an addition to the City of El Paso, El Paso County, Texas, more particularly described as 8232 McElroy Avenue, El Paso, Texas,

to be \$897.79, performed by the Street Department of the City of El Paso. The City Council finds that the work was completed on the 19<sup>th</sup> day of January, 2010, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of EIGHT HUNDRED NINETY-SEVEN AND 79/100 DOLLARS (\$897.79) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**3B.**

**\*RESOLUTION**

**WHEREAS**, the Texas Department of Transportation (TXDOT) has opened a call for Transportation Enhancement projects which go above and beyond traditional transportation projects and which are linked to transportation through either function or impact; and

**WHEREAS**, The City of El Paso wishes to improve and enhance the safety and efficiency of the movement of people walking or bicycling; and

**WHEREAS**, the City proposed three Transportation Enhancement Projects all of which will be viable and important assets to the City, schools and local businesses; and,

**WHEREAS**, The proposed Transportation Enhancement Projects are (1) Bicycle Paths, including designation with signage and striping along Trowbridge, Trawood, Montwood, Viscount, Riverside Drive, Yarbrough, Delta and Hunter Drive; (2) Saipan/Ledo –Lincoln Park Pedestrian Amenities, including walking/biking paths at the site and linking Boone Street to Alameda and the EL Paso Zoo; and (3) Downtown Wayfinding and Pedestrian Amenities, including signage to assist pedestrians in locating corridors to the international ports of entry, the downtown transfer center, recreation venues and government facilities in the downtown area; and

**WHEREAS,** The building of the proposed Transportation Enhancement Projects will accomplish the intention of the City; and

**WHEREAS,** after preliminary review by the Texas Department of Transportation the City has revised the proposed scope of work and budget for the Saipan/Ledo – Lincoln Park Pedestrian amenities project to eliminate the non-transportation related aspects of the project; and

**WHEREAS,** The Texas Department of Transportation requires the governing body to commit to provide matching funds for the revised nomination should the City’s projects be selected.

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

**THAT** the City of El Paso will apply for funding through the Texas Department of Transportation to make the necessary improvements to accomplish the revised scope and estimate for the Saipan/Ledo – Lincoln Park Pedestrian Amenities project submitted as a Transportation Enhancement Project. If selected for funding by the Texas Department of Transportation, the City agrees to commit to the project’s development, implementation, construction, maintenance, management and financing. The City further agrees to provide the required local match of 20% or greater of the total project costs, including being responsible for all non-federally fundable items and 100 percent of all cost overruns.

Representative Emma Acosta commented.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Developer Participation Agreement between the City and Wal-Mart Real Estate Business Trust (the “Developer”) for the purpose of allowing the Developer to construct traffic signal lights at the intersection of Montana Avenue and Tierra Este Road, El Paso, Texas. Developer will pay all costs of design and construction. Design and construction are subject to TxDOT specifications and the approval of the City.

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**4. APPLICATIONS FOR TAX REFUNDS**

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

- A. OMNI International I.L.P., in the amount of \$4,031.30 overpayment of 2009 taxes. (PID #B197-999-0010-9300).
- B. Miguel E. Rendon in the amount of \$4,101.55 overpayment of 2009 taxes. (PID #B836-000-0020-1500).
- C. Southwest Convenience Stores,LLC in the amount of \$3,039.40 overpayment of 2009 taxes. (PID #B853-999-0060-0160).
- D. Loan Care Servicing Center c/o First American in the amount of \$4,299.62 overpayment of 2009 taxes. (PID #C340-999-1140-4300).
- E. Alpha B. Wagner in the amount of \$2,605.08 overpayment of 2008 taxes. (PID #C518-999-0700-6900).

- F. BBVA Compass Bank in the amount of \$2,736.70 overpayment of 2009 taxes. (PID #D361-999-0050-2700).
- G. BBVA Compass Bank in the amount of \$9,181.41 overpayment of 2009 taxes. (PID #D485-999-0010-1900).
- H. Specialized Loan Services, LLC in the amount of \$3,085.68 overpayment of 2009 taxes. (PID #E077-000-0110-0200).
- I. Brenda Karch in the amount of \$2,607.41 overpayment of 2009 taxes. (PID #I256-999-0110-5100).
- J. Homeselect Settlement Select c/o First American in the amount of \$6,840.58 overpayment of 2009 taxes. (PID #K408-999-0020-0100).
- K. BBVA Compass Bank in the amount of \$9,227.30 overpayment of 2009 taxes. (PID #L131-999-0050-2500).
- L. Southwest Convenience Stores, LLC in the amount of \$7,827.47 overpayment of 2009 taxes. (PID #L541-999-001A-4300).
- M. Dr. Harry A. Cole in the amount of \$4,781.04 overpayment of 2009 taxes. (PID #L626-999-0010-2100).
- N. Theodore R. Rivas in the amount of \$2,609.23 overpayment of 2009 taxes. (PID #M327-999-0110-0600).
- O. U. S. Bancorp c/o First American in the amount of \$3,028.55 overpayment of 2009 taxes. (PID #M757-999-0080-3700).
- P. MHD Loan Servicing Escrow Group in the amount of \$4,784.47 overpayment of 2009 taxes. (PID #M765-999-0050-0800).
- Q. Jaime Lowenberg in the amount of \$6,149.69 overpayment of 2007 taxes. (PID #O404-999-0020-1200).
- R. Southwest Convenience Stores in the amount of \$3,486.71 overpayment of 2009 taxes. (PID #P591-999-000A-1200).
- S. MHD Loan Servicing Escrow Group in the amount of \$3,137.01 overpayment of 2009 taxes. (PID #P654-999-0310-2100).
- T. Select Portfolio Servicing in the amount of \$7,853.52 overpayment of 2008 taxes. (PID #P656-999-0050-2500).
- U. Select Portfolio Servicing in the amount of \$5,488.60 overpayment of 2009 taxes. (PID #P656-999-0050-2500).
- V. MHD Loan Servicing Escrow Group in the amount of \$7,439.39 overpayment of 2009 taxes. (PID #R460-999-0160-2400).

- W. Fernando Ayala in the amount of \$7,691.74 overpayment of 2009 taxes. (PID #R460-999-0280-3100).
- X. GMAC Mortgage in the amount of \$3,158.01 overpayment of 2009 taxes. (PID #S102-999-0060-6700).
- Y. USAA US Bancorp Service Providers, LLC c/o First American in the amount of \$4,803.91 overpayment of 2009 taxes. (PID #S138-999-0010-0940).
- Z. First American Real Estate Tax Service in the amount of \$4,243.24 overpayment of 2009 taxes. (PID #S380-999-0010-3400).
- AA. David Vasquez, Jr. in the amount of \$2,504.72 overpayment of 2009 taxes. (PID #S541-999-0150-1400).
- BB. U S Bancorp c/o First American in the amount of \$3,166.20 overpayment of 2009 taxes. (PID #S812-999-0150-2300).
- CC. Lone Star Title Company of El Paso in the amount of \$11,425.79 overpayment of 2009 taxes. (PID #S979-999-0140-2600).
- DD. Alexandra P. Rodriguez in the amount of \$4,133.23 overpayment of 2009 taxes. (PID #T287-999-0320-3000).
- EE. BAC Tax Services Corporation in the amount of \$5,537.83 overpayment of 2008 taxes. (PID #T287-999-1390-0500).
- FF. Rocky Mountain Mortgage Company in the amount of \$3,260.34 overpayment of 2009 taxes. (PID #T287-999-1530-1200).
- GG. Winton Custom Builders in the amount of \$2,712.19 overpayment of 2009 taxes. (PID #T957-999-0410-1800).
- HH. Capital Source Finance LLC in the amount of \$44,999.37 overpayment of 2008 taxes. (PID #V893-999-2400-5100).
- II. Loan Care Services c/o First American in the amount of \$5,315.36 overpayment of 2009 taxes. (PID #V897-999-1160-0100).
- JJ. HSBC in the amount of \$3,139.53 overpayment of 2008 taxes. (PID #V927-999-0210-2500).
- KK. Brenda Karch in the amount of \$2,899.95 overpayment of 2009 taxes. (PID #W145-999-0040-2200).
- LL. River Oaks Properties, LTD in the amount of \$3,610.52 overpayment of 2009 taxes. (PID #W145-999-0710-0300).
- MM. Cash Investments in the amount of \$3,318.23 overpayment of 2009 taxes. (PID #Y805-999-035B-0249).

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**5. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager of Financial Services, Purchasing Division, to issue Purchase Order to Safari West, Inc., of Santa Rosa, CA. for the purchase, transportation and clinical laboratory test of 17 zoo animals representing five different species. The purchase is exempt from competitive bidding as a sole source since each animal is distinct and has unique characteristics and it is impossible to develop objective specifications.

This is a sole vendor purchase.

Department: Zoo  
Funding Source: Zoo Operations - Animals  
Total Estimated Award: \$69,567.10  
Sole Source No.: 2010-207

Representatives Acosta, Quintana and Ortega commented.

The following City staff members commented:

- 1. Mr. Steve Marshall, Zoo Director
- 2. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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**6A. INTRODUCTION**

\*Motion made, seconded, and unanimously carried to **DELETE** an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to delete Number 139, San Paulo Drive between Lafayette Drive and Yarbrough Drive, north side only, from the streets where parking is prohibited at all times; the penalty being as provided in Section 12.84.010 (Violation -Penalty) of the El Paso City Code.

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**6B. – 6F. INTRODUCTIONS**

Motion made by Representative Robinson, seconded by Representative Quintana, 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:

**6B.** An Ordinance to revise the process for obtaining a permit for a film-making event by amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.30 (Film-Making Events), of the El Paso City Code; by amending provisions for the issuance of permits for certain types of uses of streets, alleys and other areas owned by the City for Film-Making Events; and by Amending Title 15 (Public Services) Chapter 15.08 (Special Privilege License) Section G.3 (Exception), changing the 24 Hour exception for temporary commercial film-making activities to 48 hours; the penalty being as provided in Section 13.30.130 (Violation) and Chapter 1.08 (General Penalty) of the City Code.

**6C.** An Ordinance granting a Special Privilege to Kelbor Enterprises, Inc. doing business as Coconuts, permitting the encroachment of an outdoor patio cafe onto portions of City right-of-way located at 816 Piedras Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe area.

**PUBLIC HEARING WILL BE HELD ON MAY 11, 2010, FOR ITEMS 6B – 6C**

- 6D. An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.080 (Animal Facilities) of the El Paso City Code to allow for an amendment to the distance requirement for small animal veterinary hospitals or clinics in an area zoned R-1 (Residential) or C-1, C-2, C-3, or C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6E. An Ordinance changing the zoning of a portion of Lot 3, Block 16A, Scotsdale Unit 2A, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 6F. An Ordinance changing the zoning of a portion of Tract 1B, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MAY 25, 2010, FOR ITEMS 6D – 6F**

**7A. STREETS**

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2010-174 for the Street Resurfacing 2010, to J.A.R. Concrete, Inc. dba J.A.R. Construction, Inc., for a total estimated amount of \$2,037,697.40.

Department:	Streets
Award to:	J.A.R. Concrete, Inc.
Base Bid:	\$2,467,697.40
Deductive Option 1:	<u>&lt;\$430,000&gt;</u>
Sum Total Base Bid and Deductive Option 1	\$2,037,697.40
Total Estimated Award:	\$2,037,697.40
Funding Source:	2009 Certificates of Obligation

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 Streets Director 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 Streets Department recommends award as indicated to the lowest responsible bidder.

**7B. STREETS**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2010-176 for the Unpaved Rights-of-Ways Phase 4, to Asphalt Pavers, Inc., for a total estimated amount of \$552,805.

Department: Streets  
Award to: Asphalt Pavers, Inc.  
Base Bid: \$552,805  
Total Estimated Award: \$552,805  
Funding Source: Asarco Settlement

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 Streets Director 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 Streets Department recommends award as indicated to the lowest responsible bidder.

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8.

**ORDINANCE 17311**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TERMINATING THE SPECIAL PRIVILEGE LICENSE GRANTED IN ORDINANCE NO. 016107 TO GREAT VIBE L.L.C. FOR USE OF CERTAIN CITY RIGHT-OF-WAY FOR A SIDEWALK CAFE LOCATED AT 209 SOUTH EL PASO STREET.**

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the denial of the Ordinance 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 Ordinance, the same be and the same are hereby **ADOPTED**.

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

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

Representative Ortega commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Mr. Fermin Dorado, representing owner.

Motion duly made by Representative Ortega, seconded by Representative Byrd, that the Ordinance be **DENIED**. Whereupon the Mayor ordered that a vote be taken on the denial of the Ordinance 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 Ordinance, the same be and the same are hereby **DENIED**.

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ITEMS TAKEN TOGETHER

**9B.**

**ORDINANCE 17312**

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

**9C.**

**ORDINANCE 17313**

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

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, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Acosta

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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**9D.**

**ORDINANCE 17314**

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

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

Motion duly made by Representative Byrd, 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, Robinson, Quintana, Holguin, Ortega, and O’Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Acosta

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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**9E.**

**ORDINANCE 17315**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION), SECTION 2.38.090 (URBAN NUISANCE; REPAIR, DEMOLITION, VACATION, REDUCTION IN OCCUPANCY LOAD, RELOCATION, SECURING, AND CIVIL PENALTIES; HEARINGS; NOTICE), SUBSECTION N OF THE EL PASO CITY CODE, TO REVISE THE PROVISIONS TO BE IN CONFORMITY WITH STATE LAW.**

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

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**.

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

\*Motion made, seconded, and unanimously carried to **DELETE** 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.

.....  
**10.**

**ORDINANCE 17316**

The City Clerk read an Ordinance entitled: **AN EMERGENCY ORDINANCE PURSUANT TO SECTION 3.10 OF THE CHARTER OF THE CITY OF EL PASO THAT CITY CODE SECTION 13.24.040 REGULATING THE HOURS OF OPERATION OF CITY PARKS DOES NOT APPLY TO CERTAIN MEMBERS OF THE UNITED STATES ARMY WHILE IN UNIFORM AND CONDUCTING TRAINING AND OPERATIONS AUTHORIZED BY THE UNITED STATES ARMY ON MAY 6, 2010 THROUGH MAY 7, 2010, TO ADDRESS THE PUBLIC EMERGENCY DESCRIBED AND SET FORTH IN THIS ORDINANCE.**

Mayor Cook and Representatives Byrd and Robinson commented.

The following City staff members commented:

- 1. Ms. Nanette Smejkal, Director of Parks and Recreation
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.

Captain Beau D. Pendergraft commented.

Motion duly made by Representative Quintana, seconded by Representative Byrd, 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**.

.....  
ITEMS TAKEN TOGETHER

**11A.**

**ORDINANCE 17317**

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

**11B.**

**ORDINANCE 17318**

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

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Quintana and Ortega commented.

The following City staff members commented:

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

The following members of the public commented:

- 1. Mr. V. J. Smith, Clear Channel
- 2. Ms. Yolanda Giner, representing Clear Channel (Attorney, Gordon Mott) – presented a PowerPoint presentation
- 3. Ms. Mica Espinoza, Greater El Paso Chambers
- 4. Mr. Steven Silver
- 5. Mr. Charlie Wakeem
- 6. Mr. David O'Donnell
- 7. Mr. Mike Mons
- 8. Ms. Maria Candow
- 9. Mr. Mark Barnett
- 10. Mr. Jim Payne
- 11. Mr. Tom Emery
- 12. Ms. Leslie Martinez
- 13. Mr. Joe Lopez
- 14. Mr. Mike Dipp
- 15. Mr. Mike Breitinger
- 16. Mr. Mike Churchman
- 17. Mr. Brian Kennedy
- 18. Ms. Marcia Turner
- 19. Mr. Larry Nance
- 20. Ms. Katherine Brennand
- 21. Mr. Mark Benitez
- 22. Ms. Gloria Martinez
- 23. Mr. Jerry Thiedt

Motion duly made by Representative Quintana, seconded by Mayor Pro Tempore Acosta, 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: Mayor Cook and Representatives Acosta, Robinson, Quintana, and Holguin

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

Mayor Cook broke the tie.

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

.....  
**12. COMMUNITY AND HUMAN DEVELOPMENT:**

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **CLOSE** the Public Hearing on the adoption of the Proposed 2010-2015 Consolidated Plan Summary for the City of El Paso and the Proposed 2010-2011 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 36th Year Program, the Emergency Shelter Grant (ESG) Program, the HOME

Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program.

Representative Acosta commented.

Mr. William Lilly, Director of Community and Human Development

The following members of the public commented:

1. Mr. Arturo Villarreal
2. Ms. Gilda Wilson
3. Ms. Jennifer Matthews – presented a PowerPoint presentation.
4. Ms. Anna Perez
5. Mr. Eduardo Lopez
6. Ms. Samantha Pinon
7. Ms. Berenice Camarena
8. Mr. Andres Ramirez
9. Mr. Joseph Nunez
10. Ms. Linda Chavez
11. Ms. Maria Elena Gordon
12. Sister Helen Santa Maria
13. Ms. Elva Villagran

.....  
13.

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

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

1. That, having conducted a public hearing in order to receive public comment, the City Council hereby adopts the Proposed 2010-2015 Consolidated Plan Summary for the City of El Paso, attached hereto as Exhibit "A"; and the Proposed 2010-2011 Annual Action Plan Budgets for the Community Development Block Grant (CDBG) 36th Year Program, the Emergency Shelter Grant (ESG) Program, the HOME Investment Partnerships (HOME) Program, and the Housing Opportunities for Persons with AIDS (HOPWA) Program, all attached hereto as Exhibit "B"; and
2. That the City Council directs that the notice of availability, including a description of the contents and purpose of the Proposed 2010-2015 Consolidated Plan for the City of El Paso, and the Proposed 2010-2011 Annual Action Plan Budgets for the CDBG, ESG, HOME and HOPWA Programs be published in the El Paso Times on Sunday, May 9, 2010, to provide the public with an opportunity to review the Proposed 2010-2015 Consolidated Plan for the City of El Paso and Proposed 2010-2011 Annual Action Plan, including the Proposed Budgets, and submit comments to the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m., on Friday, June 11, 2010. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 22, 2010, for the purpose of receiving comments from the public and adopting the Final 2010-2015 Consolidated Plan for the City of El Paso, which includes the 2010-2011 Annual Action Plan and the CDBG, ESG, HOME and HOPWA Budgets, for submission to the U.S. Department of Housing and Urban Development.

Mayor Cook and Representatives Robinson and Holguin commented.

The following City staff members commented:

- 1. Mr. William Lilly, Director of Community and Human Development
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Ms. Anna Perez, Associate Superintendent YISD, commented.

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

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

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

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **RECONSIDER** the item.

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

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

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

AYES: Representatives Byrd, Holguin and Ortega

NAYS: None

ABSTAIN: Representative Robinson

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

.....  
The City Council Meeting **RECESSED** at 1:10 p.m. and **RECONVENED** at 1:30 p.m.  
.....

**14A. MAYOR AND COUNCIL**

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADOPT** the recommendation from the Mayor's Quality of Life/Tourism Cabinet to evaluate the feasibility of creating a permanent pool behind the American Dam at the Rio Grande River to be used to provide recreational opportunities such as a Texas Paddling Trail, fishing and birding and to authorize the Mayor to **SUBMIT** a request to the U.S. Department of the Interior - Bureau of Reclamation, International Boundary & Water Commission, El Paso County Water Improvement District No.1 and El Paso Water Utilities to create a task force to study the issue.

Representative Robinson commented.

Mr. John Moses, Texas Parks & Wildlife Department, commented.  
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**14B. MAYOR AND COUNCIL**

Discussion and action to ensure building and zoning codes allow for environmentally sustainable parking surfaces.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lilly, Ortega and O'Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Fred Dalbin, Wright and Dalbin Architects Inc., presented a PowerPoint presentation (on file in the City Clerk's office)
2. Mr. Dave Gillooly, representing the Opportunity Center for the Homeless.

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

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**14C.**

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

**WHEREAS**, U.S. immigration policy continues to be an intensely divisive issue; and

**WHEREAS**, the State of Arizona has recently passed an immigration law SB 1070 signed into law by Governor Jan Brewer on April 23, 2010; and

**WHEREAS**, SB 1070 has caused widespread concern among civil libertarian and humanitarian advocates; and

**WHEREAS**, Civil Rights Leaders, Elected Officials and Police Chiefs across the country are also expressing deep reservations regarding SB1070; and

**WHEREAS**, the City of El Paso is a home-rule city that is deeply committed to human rights, human dignity and social justice; and

**WHEREAS**, we believe that legitimate concerns exist with SB 1070 that could potentially jeopardize rational allocation of public safety resources and create a wedge between law enforcement and ethnic communities and lead to racial profiling; and

**WHEREAS**, having local law enforcement involved in immigration enforcement will force undocumented crime victims to suffer and prevent their access to justice; and

**WHEREAS**, the vast majority of Latin Americans and Mexican immigrants in the United States have come in search of better lives for their families and themselves; and

**WHEREAS**, it is cruel for immigrants to have to live in the underground of American society; and

**WHEREAS**, America has always been a land of opportunity for hardworking immigrants supported by the enduring principles of our Constitution;

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

1. That the City of El Paso calls upon our national leaders to agree upon comprehensive reform of immigration legislation which provide for a compassionate path to citizenship; and
2. That the City of El Paso believes in the dignity of work and advocates for humane treatment of working immigrants and calls upon President Barack Obama and the Honorable Congress of our great nation to courageously pursue Comprehensive Immigration Reform now; and
3. That the City of El Paso calls upon its citizens to stand together and find solutions for the greater good of all including those least able to defend themselves in the spirit of the great Abraham Lincoln, Martin Luther King, and Cesar Chavez; and
4. That the City of El Paso will refrain from sending City officials and employees to attend conferences in Arizona.

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **APPROVE AS REVISED** the Resolution regarding Arizona Senate Bill 1070.

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

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

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Karl Abeytia
3. Mr. Jerry Thiedt
4. Ms. Cristina Bennett, LULAC President
5. Mr. Salvador Gomez
6. Ms. Patricia Leah Quezada, UTEP Mecha President
7. Mr. Al Soto
8. Ms. Elvia Hernandez, former LULAC President
9. Mr. Paul Moreno, former State Representative
10. Ms. Iliana Holguin, Director of El Paso Diocese & Migrants
11. Mr. Fernando Garcia, El Paso Border Rights Commission
12. Ms. Esther Camargo, Central Area for Human Rights
13. Mr. Miguel Miranda
14. Ms. Gabriela Castaneda
15. Mr. Jaime Abeytia
16. Mr. John Joyner
17. Ms. Manuela Acosta

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15.

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

That the City Manager be authorized to sign a sub-recipient grant contract between the City and the El Paso Housing Finance Corporation (HFC) in connection with the City's state-funded Neighborhood Stabilization Program (NSP) (Community Development), awarding an amount not to exceed \$1,483,771.00 for the purchase and rehabilitation/reconstruction of eligible foreclosed and abandoned properties within the target area, and resale to eligible income households; that City Manager to execute assignments of purchase and sale contracts to HFC and any other documents related to HFC property acquisition.

Representative Robinson commented.

Mr. William Lilly, Director of Community and Human Development and Ms. Andrea Tirres, Affordable Housing Finance Coordinator commented.

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

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

NAYS: None

ABSTAIN: Representative Byrd

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16.

**ORDINANCE 17319**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), SECTION 18.08.170 (ACCESSIBILITY FOR PEOPLE WITH PHYSICAL DISABILITIES), SUBSECTION 1107.6.2.1.1 (TYPE A UNITS), OF THE EL PASO CITY CODE, BY REDUCING THE AMOUNT OF REQUIRED TYPE A UNITS FROM FIVE PERCENT TO THREE PERCENT; THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

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

The following City staff members commented:

1. Mr. William Lilly, Director of Community and Human Development
2. Mr. Victor Morrison-Vega, Deputy Director of Development Services

The following members of the public commented:

1. Mr. Paul Moreno, former State Representative
2. Mr. Enrique Chew, VOLAR
3. Mr. James Peterson, presented a PowerPoint Presentation
4. Ms. Kristin Peterson
5. Mr. Frank Lozano
6. Mr. Marc Salazar
7. Mr. John Eger
8. Mr. Ruben Fernandez
9. Ms. Briana Stone
10. Mr. Ray Baca
11. Ms. K.C. Griffin
12. Ms. Kristin Sizemore
13. Mr. Tom Bohannon
14. Mr. Arne Schonberger
15. Mr. Jose Rodriguez
16. Mr. Rick Saunders

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Holguin, and carried to leave the 5% requirement pending the analysis.

AYES: Representatives Acosta, Quintana, and Holguin

NAYS: Representatives Lilly, Byrd, Robinson, Ortega and O'Rourke

**THE MOTION FAILED.**

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

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

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

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

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:57 p.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk