

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 27, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly at 8:39 a.m. during Executive Session deliberations and Melina Castro at 8:40 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **BORDER PATROL APPRECIATION DAY**
2. **FOSTER CARE 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 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. Ben Gomersall
2. Ms. Lisa Turner
3. Mr. Mark Benitez
4. Mr. Charlie Wakeem
5. Mr. Bill Sparks
6. Mr. Jerry Thiedt
7. Mr. Ray Gilbert

Representatives Holguin, O'Rourke, Lilly, Castro, and Ortega commented.

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

1ST MOTION

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

2ND AND FINAL MOTION

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

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

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

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EX1. Access subrogation claim of Brandon Dominguez, Our File No. 08-C-098. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all necessary documents to resolve the subrogation lien regarding the claim of Brandon Dominguez, Our File No. 08-C-098.

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

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EX2. Discussion and action regarding the Petition of El Paso Electric Company to reconcile fuel costs and revenues and request to recover mine closing costs, SOAH Docket No. 473-08-0063, PUC Docket No. 34695. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all documents to resolve the Petition of El Paso Electric Co. to Reconcile Fuel Costs and Revenues and Request to Recover Mine Closing Costs, SOAH Docket No. 473-08-0063, Docket No. 34695.

AYES: Representatives Lilly, Byrd, Ortega, and O'Rourke
NAYS: Representatives Castro and Holguin
ABSTAIN: Representative Quintana

Mayor Cook and Representative Byrd commented.

Mr. Norman Gordon, outside counsel, commented.

Mr. Richard Schechter and Ms. Lisa Turner, citizens, commented.

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EX3. Discussion and action concerning joining the El Paso Water Improvement District #1's lawsuit against the United States Federal Government regarding water rights.

Mayor Cook and Representatives Byrd and Quintana commented.

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

NO ACTION was taken on the item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, 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 Lilly, Byrd, Castro, 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 May 20, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for a portion of Tracts 13A, 14A, 14B, Block 24, Socorro Grant & Tracts 17, 19, Block 53, Ysleta Grant and U.S. Parcel No. 18, El Paso County, Texas to provide electrical service to the Rio Bosque Wetlands located at 10001 Southside Road.

Representative O'Rourke and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Irene Ramirez, Assistant City Engineer, commented.

Ms. Lisa Turner, citizen, commented.

3B. RESOLUTION

That the City Council of El Paso hereby adopts a Design Standards for Construction Manual, attached as Exhibit "A", regulating the design and construction of specified subdivision improvements.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
3. Ms. Irene Ramirez, Assistant City Engineer

Mr. Robert Gonzalez, consultant with Quantum Engineering, commented.

The following members of the public commented:

1. Mr. Richard Schechter
2. Ms. Lisa Turner
3. Mr. Ray Gilbert

1ST MOTION

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

2ND MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representatives Castro and Ortega

3RD MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, to **POSTPONE** the item for one week. **THE MOTION FAILED.**

AYES: Representatives Castro, Quintana, and Holguin

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

4TH MOTION

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

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

NAYS; Representative Quintana

5TH MOTION

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

6TH AND FINAL MOTION

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **POSTPONE** the item for one week.

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3C. RESOLUTION

That the City Council of El Paso hereby adopts a Drainage Design Manual, attached as Exhibit "A", regulating the drainage design for subdivisions.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
- 3. Ms. Irene Ramirez, Assistant City Engineer
- 4. Mr. Hector Esparza, Floodplain Coordinator, commented.
- 5. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Robert Gonzalez, consultant with Quantum Engineering, commented.

Mr. Richard Schecter, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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3D.

***RESOLUTION**

WHEREAS, on Sept. 19, 1974, the El Paso City Council approved the lease of City property commonly known as 325 Shelter Place, El Paso, El Paso County, Texas to the Humane Society; and

WHEREAS, on June 6, 1995, the Sept. 19, 1974 lease was amended to streamline the procedures for approval of plans for additions to the existing building by delegating the authority for approval of any such plans to the City's Director of Public Works; and

WHEREAS, on Jan. 6, 2004, the City and the Humane Society agreed to amend the term of the Sept. 19, 1974 lease with the intention of extending the term of the lease for an additional three years through Jan. 6, 2007; and

WHEREAS, on Dec. 27, 2006, the City agreed to extend the term of the lease through Oct. 31, 2007 because the Humane Society is relocating to a new facility on Fred Wilson Avenue and requested time to allow for an orderly move to the new facility; and

WHEREAS, on Oct. 23, 2007 the City agreed to extend the lease term through May 31, 2008 because, while the construction documents for the new facility have been completed and submitted for a building permit, the final approval of the plans was pending issuance of an access agreement with adjacent property owners

and a review and modification of the construction plans because of the future expansion plans for Fred Wilson Avenue; and

WHEREAS, the Humane Society has requested that the City extend the lease term through Aug. 31, 2008 because the Humane Society has experienced an additional delay in the completion of its new facility and cannot obtain service from various utility companies because of construction related to the expansion of Fred Wilson Road, which is a portion of the State Spur 601 Project.

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

That the City Manager be authorized to sign a Fifth Amendment to the Sept. 19, 1974 Lease between the City of El Paso and the El Paso County Humane Society, Inc. for a one acre parcel commonly known as 325 Shelter Place, El Paso, El Paso County, Texas.

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3E. RESOLUTION

A Resolution to create a downtown area of potential effect to encourage the preservation of historically significant sites in need of tax relief to encourage their preservation in order to preserve the City's historic properties.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Troy Ainsworth, Historic Preservation Officer
- 3. Ms. Kathryn Dodson, Director of Economic Development

Motion made by Representative Quintana, seconded by Representative O'Rourke, and carried to **POSTPONE** the item one week.

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

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3F. RESOLUTION

A Resolution that in conjunction with the Subdivision Ordinance adopted by City Council on May 6, 2008, City Council of El Paso hereby adopts the Park Facilities Standards regulating the design and construction of park facilities within subdivisions.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Nanette Smejkal, Parks and Recreation Director
- 3. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and carried to **POSTPONE** the item for one week.

AYES: Representatives Castro, Quintana, Holguin, and O'Rourke

NAYS: Representatives Lilly, Byrd, and Ortega

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ali Boureslan to the Civil Service Commission by Representative Rachel Quintana, District 5.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joseph S. Daubach to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Rachel Quintana, District 5.

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6A. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **POSTPONE** for one week the **AWARD** of Solicitation No. 2008-101 (Sexual Assault Services) to Tenet Hospitals Ltd. d/b/a Sierra Medical Center for a total estimated award of \$328,500.

Department: Police
Award to: Tenet Hospitals Ltd. d/b/a Sierra Medical Center
El Paso, TX
Items: All
Options: 2 years
Annual Estimated Amount: \$109,500
Account No.: 21010072 – 502111 – 01101
Funding Source: Police Operating Funds, Health Care Providers Services
Total Estimated Award: \$328,500

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract maybe higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated to the sole bidder meeting specification.

Representative Byrd and Ortega commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008- 150 (Batteries) to Abonay El Shadday, Inc., for a total estimated award of \$420,000.

Department: General Services
Award to: Abonay El Shadday, Inc.
El Paso, TX
Items: All
Annual Estimated Amount: \$140,000
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services Depart., Fleet Services Division
Total Estimated Award: \$420,000 (3-year total)

This is a thirty-six month requirements type contract for Batteries.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

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6C. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **AWARD** Solicitation No. 2008- 170 (Lomita Dr. Street & Drainage Improvement) to Allen Concrete, Inc. for a total estimated amount of \$157,165.93.

Department: Engineering
Award to: Allen Concrete, Inc.
El Paso, TX
Base Bid: \$157,165.93
Account No: 99331117 – 508027 – 27263 – PCP06FC002E
Funding Source: FY 2006 Certificates of Obligation
Total Estimated Award: \$157,165.93

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 minimum 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 minimum value and 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 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 and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, unit-price contract.

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

NOT PRESENT FOR THE VOTE: Representatives Byrd

PRESENT FOR THE MOTION BUT NOT THE VOTE: Representative O'Rourke

Representative Ortega and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Rick Talamo, Capitol Projects Manager
4. Mr. Javier Reyes, Engineering Division Manager

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7A – 7F. INTRODUCTIONS

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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 12 (Vehicles and Traffic), Chapter 12.28 (Speed Limits), Section 12.28.010 (Generally), of the El Paso City Code to provide for reduced speed limits in new subdivisions, from 30 mph to 25 mph. The penalty is as provided for in Chapter 12.84.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 3, 2008, FOR ITEM 7A

- B. An Ordinance changing the zoning of Lots 11 through 14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas, from M-1/SP (Light Manufacturing/Special Permit) to C-5/SP (Central Business District/Special Permit). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- C. An Ordinance changing the zoning of all of Lot 2, Block 160, Vista Del Sol, Unit 54, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) to C-4/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- D. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Chapter 20.06 (Zoning Districts and Maps), Chapter 20.10 (Supplemental Use Regulations), and Appendix A (Table of Permissible Uses), of the El Paso City Code to amend the requirements for Mixed Use Districts, define requirements for Master Zoning Plans, establish Mixed Use Development Plans, provide incentives for mixed use development, and establish permissible uses. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- E. An Ordinance annexing the following real property described as: Parcel 1: a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcel 2: Tract 2D4, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcels 3 and 4: portions of Tract 2d, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; Parcel 5: Tract 2D24, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; and, Parcel 6: Tract

2D5, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas.

- F. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 2: a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 3: a portion of Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) and imposing conditions; Parcel 4A: a portion of Tract 2D And 2D16, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch And Farm) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Parcel 4B: a portion of Tract 2D5 and a portion of Tracts 2D4 And 2D16, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2008, FOR ITEMS 7B – 7F

8. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **DELETE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to TREMCO, Inc., Beachwood, OH, under TXMAS-6-56050 contract for inspection and reseal/recoat of roofs on various City buildings for an estimated amount of \$3,400,000.

Department:	General Services
Account No.:	99331117 – 508027 – 27263 – PCP08MF01
Funding Source:	FY2006 Certificates of Obligation
Total Estimated Award:	\$3,400,000
Reference No.:	2008-173

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Jeff Belles, Director of General Services
3. Ms. Carmen Arrieta-Candelaria, Financial Services Chief Financial Services

9A.

ORDINANCE 16893

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 1, BLOCK 54, EAST GLEN ADDITION, UNIT 4, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O/SC (APARTMENT OFFICE/SPECIAL CONTRACT TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Ortega, Quintana, and Byrd commented.

Mr. Philip Etiwe, Development Review Manager, commented.

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

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

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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9B.

ORDINANCE 16894

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF BLOCKS I, J, W, X, Z AND LOTS 5 - 10 AND 16 - 22, BLOCK H, SANTA FE ADDITION, AND ALL OF BLOCK 62, AND LOTS 1 - 15, BLOCK 128, AND ALL OF LOTS 1 - 18, AND PORTIONS OF LOTS 19 AND 20, AND THE ALLEY IN BLOCK 43, AND PORTIONS OF LOTS 4 - 10, BLOCK 42, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-4 (COMMERCIAL), C-4/H (COMMERCIAL/HISTORIC), C-4/H/SP (COMMERCIAL/HISTORIC/SPECIAL PERMIT), AND M-2 (HEAVY MANUFACTURING) TO GMU (GENERAL MIXED USE) AND GMU/H (GENERAL MIXED USE/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Ms. Patricia Adatao, Deputy City Manager of Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Quintana, O'Rourke, and Castro commented.

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

Mr. Jackie Flores, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Castro, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana

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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9C.

ORDINANCE 16895

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE REVIEW PROCEDURES), SECTION 20.04.380 (APPLICATION REQUIREMENTS), OF THE EL PASO CITY CODE TO REMOVE THE REQUIREMENT FOR A SITE PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Mr. Philip Etiwe, Development Review Manager, read a memo from Mr. Gus Haddad, Chair of the City Plan Commission, into the record.

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

Mr. Richard Schecter, citizen, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED AND TO DIRECT STAFF TO GET TOGETHER WITH THE CITY PLAN COMMISSION TO WORK OUT A METHOD OF SECURING A DEFINITIVE SITE PLAN AND BRING BACK THE METHOD BACK TO COUNCIL WITHIN 90 DAYS.** 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 Ortega and O'Rourke

NAYS: Representatives Lilly, Byrd, Castro, Quintana, and Holguin

THE MOTION FAILED.

NO ACTION was taken on the item.

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9D. PUBLIC HEARING – DEVELOPMENT SERVICES

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **REFER** to the Transportation Legislative Review Committee the Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to downgrade the proposed expressway/freeway Arterial 1 between Mesa Street and Interstate 10 to a major arterial and collector, realign it and eliminate connection to IH-10. Also, to relocate the alignment of the north-south collector between the southern termination of Suncrest Drive and approximately 1,000 feet south of Arterial 1.

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

NOT PRESENT FOR THE VOTE: Representative Holguin

3RD AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **POSTPONE** two weeks the public hearing and to refer the item to the Transportation Legislative Review Committee an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas

of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to downgrade the proposed expressway/freeway Arterial 1 between Mesa Street and Interstate 10 to a major arterial and collector, realign it and eliminate connection to IH-10. Also, to relocate the alignment of the north-south collector between the southern termination of Suncrest Drive and approximately 1,000 feet south of Arterial 1.

Mr. Chuck Kooshian, Development Services Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Kimberly Forsyth, Engineering Senior Planner, commented.

Mr. Ricardo Dominguez, Assistant Director of the El Paso Metropolitan Planning Organization.

Mr. Conrad Conde, representing the applicant, commented.

Mr. Richard Schechter, citizen, commented.

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The City Council Meeting **RECESSED** at 12:40 p.m. and **RECONVENED** at 1:10 p.m.
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9E.

ORDINANCE 16896

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF MILLS AVENUE, ANSON MILLS MAP, CITY OF EL PASO, EL PASO COUNTY, TEXAS. LOCATION: MILLS AVENUE BETWEEN OREGON STREET AND SHELDON COURT.**

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative O'Rourke, Quintana, and Castro commented.

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

Mr. Richard Schechter, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega, and O'Rourke
NAYS: Representative Castro

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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ITEMS TAKEN TOGETHER:

9F.

ORDINANCE 16897

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.103 (PERMITS), OF THE EL PASO CITY CODE TO AMEND TO ADD NEW REQUIREMENTS CONCERNING ISSUANCE OF BUILDING PERMITS WHEN SUBDIVISION IMPROVEMENTS HAVE NOT BEEN COMPLETED. THE PENALTY AS IN 1.08 OF THE EL PASO CITY CODE.**

9G.

ORDINANCE 16898

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.04 (GRADING), SECTION 18.44.070 (PROPOSED SUBDIVISIONS), OF THE EL PASO CITY CODE TO CHANGE THE PROVISIONS FOR THE ISSUANCE OF CERTAIN PERMITS. THE PENALTY AS IN 1.08 OF THE EL PASO CITY CODE.**

9H.

ORDINANCE 16899

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY ADDING APPENDIX 111 WHICH DEFINES THE MOUNTAIN DEVELOPMENT AREA AND PROVIDING FOR AN EFFECTIVE DATE OF JUNE 1, 2008. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 19.42 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Byrd and Lilly commented.

Mr. Philip Etiwe, Development Review Manager, and Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

Motion duly made by Mayor Pro Tempore 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, Castro, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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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ITEMS TAKEN TOGETHER:

10A.

ORDINANCE 16900

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), ZONE S: NO PARKING 9:00 P.M. – 2:00 A.M., OF THE EL PASO CITY CODE TO ADD TOW-AWAY ZONE AND TO ADD ANOTHER LOCATION ON SUNBURST DRIVE, FROM METTLER DRIVE TO HOPEWELL DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

10B.

ORDINANCE 16901

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING TOW-AWAY ZONE), OF THE EL PASO CITY CODE TO ADD PARAGRAPH K.; NO PARKING OR STANDING 9:00 P.M. - 2:00 A.M., TOW-AWAY ZONE, PERMIT ONLY, ON METTLER DRIVE FROM HAWKINS BOULEVARD TO CESSNA DRIVE AND HOPEWELL DRIVE, FROM HAWKINS BOULEVARD TO CESSNA DRIVE, AND SUNBURST DRIVE, FROM METTLER DRIVE TO HOPEWELL DRIVE, AND TO PROVIDE THAT VEHICLES BE TOWED. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mayor Cook commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Mayor Pro Tempore 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, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

11.

ORDINANCE 16902

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 17, EMPLOYEES SEEKING PUBLIC OFFICE.**

Mayor Cook and Representatives Castro and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Batoon, Assistant City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Jan Deragisch and Mr. Craig Patton, citizens, commented.

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

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

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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12.

ORDINANCE 16903

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING – TOW–AWAY ZONE), OF THE EL PASO CITY CODE TO PROHIBIT PARKING OF CERTAIN VEHICLES WITHIN THE CONFINES OF COTTON STREET TO THE WEST; PAISANO STREET TO THE SOUTH; AND TEXAS AVENUE TO THE NORTH; AND PIEDRAS STREET TO THE EAST AND TO PROVIDE THAT VEHICLES BE TOWED. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

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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13. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ALLOW** providing a minimum of three hours a week of Channel 15 time to be dedicated to citizen forums, with guidelines established with the City Attorney's office.

AYES: Representatives Lilly, Byrd, Castro, Holguin, Ortega, and O'Rourke
NAYS: Representative Quintana

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

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

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

Discussion and action regarding an investigation by the City Attorney’s Office of possible violations of the Texas Open Meetings Act concerning the actions of City Council during the meeting of May 6, 2008, in matter pertaining to the appointment of L. E. Ruck to the Civil Service Commission and to report of the findings in writing to Council.

Representatives Castro, Byrd, and Holguin commented.

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

Mr. Lance Ruck, citizen, commented.

NO ACTION was taken on the item.

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:29 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk