JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 29, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, and Melina Castro. Late arrivals: Steve Ortega and Eddie Holguin, Jr. at 8:39 a.m. during Executive Session deliberations, and Presi Ortega, Jr. at 8:43 a.m. during Executive Session deliberations. Absent: Beto O'Rourke requested to be excused. The invocation was given by Buddhist Roshi Harvey SoDaiho Hilbert, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **MENTAL HEALTH MONTH**
2. **SAM'S CLUB TEACHER OF THE YEAR DAY IN EL PASO**
3. **HUNGER AWARENESS MONTH IN EL PASO**
4. **JIMMY ROGERS, JR. DAY**
5. **A DAY TO WALK IN PEACE**

RECOGNITION

REBECCA FRIESENHAHN,
PAST PRESIDENT OF
THE MANHATTAN HEIGHTS NEIGHBORHOOD ASSOCIATION

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. Gerald Mangrum, Member of Rules Legislative Review Committee
2. Ms. Frankie Carreon, Vice President of Elks Lodge
3. Mr. Manny Aguirre, President of Elks Lodge

4. Mr. Lynn Fitzgerald
5. Mr. Richard Schecter
6. Mr. Jorge Artalejo

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Mangrum to speak during Call to the Public on a Regular Agenda item.

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Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr., Eddie Holguin, Jr, and Steve Ortega
ABSENT: Representative O'Rourke

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative O'Rourke

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EX1. Workers' Compensation subrogation interest regarding Rosemary Smith. (551.071)

Motion made by Representative Steve Ortega, seconded Representative Lilly, and unanimously carried that the item be **DELETED**.

NOT PRESENT FOR THE VOTE: Representative Castro

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EX2. Workers' Compensation subrogation interest regarding Raul Vargas. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Byrd, and carried that the City Attorney's Office be

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

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EX3. Discussion and action regarding matters related to 916 Madtone, Estate of Benigna Contreras. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Steve Ortega, and carried that the City Attorney's Office be

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

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and 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, Lozano, Castro, Presi Ortega, Jr., and Steve Ortega
NAYS: None
ABSTAIN: Representative Holguin (affidavit to recuse on file in City Clerk's Office)
ABSENT: Representative O'Rourke

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1. APPROVAL OF MINUTES

*Motion made, seconded, and carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 22, 2007, and the Special City Council Meeting of May 18, 2007 (Canvassing of 2007 Election Results), and the Special Joint City Council/County Commissioners Meeting of May 23, 2007 (Introduction of Water Drainage Ordinance).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

*Motion made, seconded, and carried to **EXCUSE** Representative O'Rourke from the Regular Council Meeting of May 29 2007.

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3A.

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

THAT the City Manager is hereby authorized to sign an amendment to that certain agreement for Architectural Services (Stanton Toll Facility Improvements) which was entered into by and between the City of El Paso and ASCG Incorporated of New Mexico, on February 7, 2006, to increase the services and compensation by an amount not to exceed $122,935.

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3B.

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

THAT the City expend additional available funding in the amount of $203,891.00 to F.T. James Construction Inc. to fund additional labor and materials for Contract Number 2006-190, Pavo Real Swimming Pool Project.

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3C.

***RESOLUTION**

THAT the Mayor be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and the City of Socorro, Texas whereby the City of Socorro may purchase automotive fuel under Contract No. 2003-205 (Automotive Fuel-Diesel and Unleaded) previously awarded by the City of El Paso to Transmountain Oil Company, L.C. on September 9, 2003.

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3D.

***RESOLUTION**

THAT the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso and the Local 51, International Association of Fire Fighters to amend the Articles of Agreement between the City and the Association to change the provisions relating to the types of uniforms that can be provided by the City.

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3E.

***RESOLUTION**

THAT the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Nora Rayas to employ Nora Rayas as a Library Technology Manager for the El Paso Public Library at a biweekly rate of $2,038.68. The term of the contract shall be for the period of June 5, 2007, through June 4, 2008.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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3F.

***RESOLUTION**

WHEREAS, the El Paso Zoo is a premier destination for residents of the Greater Paso Del Norte region and draws over 300,000 visitors annually;

WHEREAS, in 2000, the citizens of El Paso approved $33 million in Quality of Life monies for El Paso Zoo projects;

WHEREAS, in November 2006, the El Paso City Council unanimously approved a construction contract for the El Paso Zoo's Western Expansion Project;

WHEREAS, as a result of the Western Expansion Project, the El Paso Zoo will double in size—from 18 acres to 36 acres—and will add a new entry plaza, new education structures, and a grassland savannah where lions, giraffes and zebras will roam;

WHEREAS, the El Paso Zoological Society has partnered with local businesses to help fund the various aspects of the Western Expansion Project;

WHEREAS, El Paso Electric Company has been a valued and continuing partner with the El Paso Zoo over the past decade;

WHEREAS, El Paso Electric Company has agreed to partner with the El Paso Zoo to fund construction of the Windows to the Wild Outpost exhibit;

WHEREAS, the Windows to the Wild Outpost exhibit will be a renewable energy demonstration project partially powered by wind and solar renewable energy and will include educational exhibits on the practical uses of renewable energy;

WHEREAS, renewable power is a clean energy resource for which the El Paso area is well suited;

WHEREAS, the renewable energy demonstration project at the El Paso Zoo's Windows to the Wild Outpost exhibit will continue to provide an ongoing opportunity to educate the citizens of El Paso—especially children—about the attributes and benefits of renewable power for many years to come;

WHEREAS, the citizens of El Paso have, through their subscriptions to El Paso Electric Company's Renewable Energy Tariff, exhibited a strong interest in purchasing and developing renewable energy resources in the El Paso area;

WHEREAS, the Renewable Energy Program funds in the amount of Seven Hundred Fifty Thousand Dollars ($750,000.00) to be used for El Paso Electric Company's Windows to the Wild Outpost renewable energy demonstration project were generated from the sale of renewable energy from El Paso Electric Company's wind turbines at the Hueco Mountains Wind Ranch and from El Paso Electric Company's Renewable Energy Tariff; and

WHEREAS, the City of El Paso believes that construction of the Windows to the Wild Outpost renewable energy demonstration project is an appropriate and timely use of El Paso Electric Company's Renewable Energy Program funds.

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

THAT the City of El Paso hereby supports El Paso Electric Company's participation in funding the Windows to the Wild renewable energy demonstration project at the El Paso Zoo with Renewable Energy Program funds.

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4. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Alisa Jorgensen as alternate to the Zoning Board of Adjustment by Representative Beto O'Rourke, District 8.

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5. FINANCIAL SERVICES

Request that the City Manager be authorized to sign an amendment to contract 2005-094R (Sexual Assault Services for the El Paso Police Department) by and between the City of El Paso and Tenet Hospitals Limited d/b/a Sierra Medical Center entered into on May 29, 2007, whereby both parties agree to comply with requirements of the Federal Anti-Kickback Statue and Stark Law.

Representative Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
3. Mr. Terrence Freiburg, Purchasing Manager

1ST MOTION
*Motion made, seconded, and carried to **MOVE TO THE REGULAR AGENDA**.

2ND AND FINAL MOTION
Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **APPROVE** the item.

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6A. BID

*Motion made, seconded, and carried to **AWARD** BID Solicitation No. 2007-116 (Pest Control Services) to Lone Star Pest Control for a total estimated award of $61,740.

Department:	General Services, Building Maintenance
Award to:	Lone Star Pest Control El Paso, Texas
Items:	All
Annual Estimated Amount:	$20,580
Account No.:	31010326 – 01101 - 502220
Funding Source:	Operating Account, Citywide Building Maintenance NOC, Pest Control Contracts
Total Estimated Award:	$61,740

This is a three year service contract.

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

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6B. BID

*Motion made, seconded, and carried to **AWARD** BID Solicitation No. 2007-135 (Rental of Portable Restrooms) to Frontera Sanitation for a total estimated award of $240,000.

Department:	Parks and Recreation
Award to:	Frontera Sanitation El Paso, Texas
Items:	All
Option:	Vendor offers the City the option to extend the term of the contract at the same unit prices for two additional years if the option is exercised within two years from the date of the award.
Annual Estimated Amount:	$80,000
Account No.:	51010216 – 502411 - 01101
Funding Source:	Leases NOC-General Operating Fund
Total Estimated Award:	$240,000

This is a requirements type contract with an initial term of thirty-six months.

The Departments of Financial Services and Parks & Recreation recommend award as indicated to the lowest responsive, responsible bidder.

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6C. BID

*Motion made, seconded, and carried to **AWARD** BID Solicitation No. 2007-143 (Maintenance Service {Oil & Lube} Light Duty Vehicles - Rebid) to Prontolube, Inc. for a total estimated award of $60,000.

Department:	General Services-Fleet Division
Award to:	Prontolube, Inc. El Paso, Texas
Items:	All
Option:	Vendor offers the City the option to extend the term of the contract at the same unit prices for one or two additional years if the option is exercised within one or two years from the date of the award.
Annual Estimated Amount:	$30,000
Account No.:	37370510 – 503125 - 45202
Funding Source:	Fleet Services Division Internal Service Fund
Total Estimated Award:	$60,000

This is a requirements type contract with an initial term of twenty-four months.

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

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7A. – 7L. INTRODUCTIONS

1ST MOTION

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

A. An Ordinance vacating a portion of a 20-foot alley abutting Lots 1,2, 3, 4, and Lots 24, 25, 26, out of Block 89-A, Logan Heights Addition, City of El Paso, El Paso County, Texas.

B. An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 3301.1.3.1 (Prohibition) providing for temporary possession and sale of fireworks within 5000 feet of the El Paso City limits of the El Paso City Code.

C. An Ordinance repealing Ordinance Number 013472 which authorized the Twelve Travelers Review Committee and provided for the appointment of and defined the duties of members of the committee.

D. An Ordinance authorizing the City of El Paso to Quitclaim a 1.6529 acre parcel, more or less, being a portion of the O.A. Danielson Survey No. 315, El Paso County, Texas, to Crinco Lands, Ltd.

E. An Ordinance authorizing the City of El Paso to sell a 0.596 acre parcel, more or less, being all of Lot 1 and portions of Lots 2, 3, 4, 5, 24, 25, 26 and a portion of tract 1 and a portion a 20-foot alley (vacated), Block 89-A, Logan Heights Addition, El Paso, El Paso County, Texas, to Rick Marquez.

F. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090a. (Bonus Reduction Applicability) to provide regulations for bonus reduction, if any, for private park amenities provided within single-family, two-family, and multi-family

development and specifying the criteria, and amending Subsection 19.12.120 (Applicability) to address the applicability of the amendment, the penalty being as provided in Section 19.04.190 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 5, 2007, FOR ITEMS 7A – 7F

G. An Ordinance changing the zoning of Tracts 13 and 14, Hughes Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

H. An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Lot 3, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial) and imposing a condition; Parcel 2: a portion of Lots 4 and 5, Block 9, Canutillo Industrial Park, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial); and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

I. An Ordinance changing the zoning of Tract 11, Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

J. An Ordinance granting Special Permit No. ZON07-00034 to allow for a convalescent home on the property described as Lot 4, Block 3, Cielo Vista Park East Unit Two, City of El Paso, El Paso County, Texas, pursuant to Section 20.22.040B of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code.

K. An Ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Unit 12, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment/ Office/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

L. An Ordinance changing the zoning of Lot 7, Block 6, Northgate Replat C, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 19, 2007, FOR ITEMS 7G – 7L

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

2ND MOTION
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECONSIDER** item 7B with item 12A.

7B.
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **DELETE** the introduction of an Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire

Prevention Code), Section 3301.1.3.1 (Prohibition) providing for temporary possession and sale of fireworks within 5000 feet of the El Paso City limits of the El Paso City Code.

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8A. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Mayor Cook and Representatives Byrd and Steve Ortega commented.

Mr. Clay Lowenfield, Casa Ford Lincoln Mercury, commented.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **DENY** the Ordinance.

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8B. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, 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 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2, and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Mayor Cook and Representatives Castro, Steve Ortega, and Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, and Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure Services, commented.

Mr. Conrad Conde, representing the applicant, commented.

Mr. Pat Rocha, General Manager of Bruce Foods, and Mr. Ray Adauto, El Paso Association of Builders, commented.

1ST MOTION
Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Adauto to address the Council after the sign-up period.

2ND AND FINAL MOTION
Motion made by Representative Castro, seconded by Representative Lozano, and unanimously carried to **POSTPONE** the item for one week.

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8C.

ORDINANCE 16639

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO GOVERNMENT EMPLOYEES CREDIT UNION (GECU) PERMITTING THE ENCROACHMENT OF TWO**

SUBSURFACE STORM DRAIN PIPELINES BENEATH A PORTION OF PUBLIC RIGHT-OF-WAY ON ROBERT E. LEE ROAD.

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, and Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Motion duly made by Representative Lozano, seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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8D.

ORDINANCE 16640

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE AUTHORIZING THE TEMPORARY CLOSURE OF FRANKLIN AVENUE BETWEEN SANTA FE STREET AND OREGON STREET FOR CITY-SPONSORED "GRAND OPENING CELEBRATION" AND "TEEN FEST" EVENTS ON JUNE 16, 2007.**

Motion duly made by Representative Steve Ortega, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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8E.

ORDINANCE 16641

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO REGENT COMMUNICATIONS - EL PASO TO TEMPORARILY CLOSE A PORTION OF SANTA FE STREET BETWEEN FRANKLIN AVENUE AND SAN ANTONIO AVENUE; SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN SANTA FE STREET AND EL PASO STREET; DURANGO STREET (ACCESS ROAD ABUTTING CONVENTION CENTER) BETWEEN SAN FRANCISCO AVENUE AND SAN ANTONIO AVENUE; AND MAIN DRIVE BETWEEN SANTA FE STREET AND EL PASO STREET ON FRIDAY, JUNE 29, 2007, THROUGH MONDAY, JULY 2, 2007, FOR THE EL PASO DOWNTOWN STREET FESTIVAL.**

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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8F.

ORDINANCE 16642

The City Clerk read an Ordinance entitled: **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 REMOVE CLARK DRIVE AND DALE ROAD.**

Motion duly made by Representative Lozano, seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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8G. PUBLIC HEARING – DEVELOPMENT SERVICES

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 remove the proposed minor arterial between the proposed extensions of Pebble Hills and Rich Beem.

Representatives Presi Ortega, Jr. and Steve Ortega commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, an unanimously carried to **POSTPONE** the item for one week.

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8H. PUBLIC HEARING – DEVELOPMENT SERVICES

Discussion and action on an appeal to a decision rendered by the Historic Landmark Commission on April 2, 2007, for 1800 Elm.

Mayor Cook and Representative Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **DENY THE APPEAL**.

NOT PRESENT FOR THE VOTE: Representative Castro

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9A.

ORDINANCE 16643

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) AND SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE) OF THE EL PASO CITY CODE TO ADD AN AREA ON CAMPESTRE LANE. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180F (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representatives Steve Ortega, Castro, and Lilly commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Guillermo Chavez and Ms. Yvette Renteria, citizens, commented

Motion duly made by Representative Steve Ortega, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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 16644

The City Clerk read an Ordinance entitled: **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 CERTAIN SECTIONS OF EDGEMERE DRIVE AND TO ADD OTHER SECTIONS OF EDGEMERE BOULEVARD. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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 16645

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040, SCHEDULE IV (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH J (NO PARKING 7:00 AM TO 4:00 PM) OF THE EL PASO CITY CODE, TO MODIFY PORTIONS OF LINUM DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION--PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Holguin, 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, Lozano, Castro, Presi Ortega, Jr., Holguin and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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9D.

ORDINANCE 16646

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "F" (THIRTY-FIVE MILES PER HOUR) OF THE EL PASO CITY CODE TO ADD NEW WORLD DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

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

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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9E. PUBLIC HEARING – ENGINEERING

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "G" (Forty Miles per Hour) of the El Paso City Code to add Helen of Troy Drive from Redd Road to Desert North Boulevard. The penalty is as provided in Section 12.84.010 of the El Paso City Code.

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

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10.

ORDINANCE 16647

The City Clerk read an Ordinance entitled: **THAT THE MAYOR BE AUTHORIZED TO SIGN AN ORDINANCE GRANTING A FRANCHISE FOR DOMINION AMBULANCE, LLC, TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Motion duly made by Representative Lozano, 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, Lozano, Castro, Presi Ortega, Jr., Holguin and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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11.

ORDINANCE 16648

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 4708 ATLAS AVENUE, AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE, TO JOSE M. URESTI IN ACCORDANCE WITH SECTION 34.05.**

Motion duly made by Representative Byrd, 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, Lozano, Castro, Presi Ortega, Jr., Holguin and Steve Ortega
NAYS: None
ABSENT: Representative O'Rourke

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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12A. MAYOR AND COUNCIL

Discussion and action to direct that the City Manager evaluate and submit staff recommendations to the City Council for the purpose of issuing a variance to Alamo Fireworks, Inc. located at 13690 Montana Avenue.

Representatives Byrd, Lozano, Steve Ortega, Lilly, Holguin, and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Fire Chief Roberto Rivera
2. Assistant Fire Chief Manny Chavira
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Caesar Galindro
2. Mr. Carlos Maruffo
3. Ms. Rachel Blair
4. Mr. Fernando Viramontes
5. Ms. Adriana Alvarez
6. Mr. Ramiro Guzman
7. Mr. Victor Terrazas

1ST MOTION
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Guzman to address the Council after the sign-up period.

2ND MOTION
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

3RD AND FINAL MOTION
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **DENY** an action to direct that the City Manager evaluate and submit staff recommendations to the City Council for the purpose of issuing a variance to Alamo Fireworks, Inc. located at 13690 Montana Avenue.

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12B. MAYOR AND COUNCIL

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **APPROVE** an action to create an ordinance regarding the placement of No Parking Signs and/or creating a No Parking Zone on Cielo Vista Drive across from Crawford Auto Plaza by the Montana Avenue intersection.

Mayor Cook and Representative Lozano commented.

Mr. Ted Marquez, Engineering Division Manager, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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12C. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Lozano, and unanimously carried to **APPROVE** an action to direct staff to see what steps can be taken to make that dedication accepted and to come back to Council in four weeks regarding turning responsibility of Singh Street back to the City of El Paso.

Mayor Cook and Representative Holguin commented.

The following City staff members commented:

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

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12D. MAYOR AND COUNCIL

Discussion and action to request the repositioning of the lights at Pebble Hills Park, located at 3200 Fierro Drive (at the request of George Atkins).

Representative Presi Ortega, Jr. commented.

Mr. Barry Russell, Assistant Director of Parks and Recreation, commented.

Mr. George Atkins, citizen, commented.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. George Atkins to address the Council after the sign-up period.

NO ACTION, other than the above procedural motion, was taken on the item.

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12E. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **APPROVE** forming an Ethics Ordinance Review Ad Hoc Committee to be composed of the Rules Legislative Review Committee and four members of the Ethics Commission to include Andre Ewing, Jesus Padilla, and Gerald Mangrum.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Holguin and Steve Ortega
NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro
ABSENT: Representative O'Rourke

Mayor Cook and Representatives Byrd, Lilly, and Steve Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Richarda Momsen, Municipal Clerk

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12F. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** filing a complaint with the Federal Communications Commission against T-Mobile for their failure to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties in the installation of a cell tower located at 2219 Piedras Street.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Holguin and Steve Ortega
NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro
ABSENT: Representative O'Rourke

Mayor Cook and Representatives Byrd and Presi Ortega, Jr. commented.

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

Ms. Julie Rutledge, citizen, commented.

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13.

RESOLUTION

WHEREAS, the City of El Paso (the "City") entered into that certain agreement (the "Contract") with Crest Benefits Consulting, Inc. (the "Transferor") dated March 2, 2004;

WHEREAS, the Transferor has transferred and assigned to John D. Williams Company d/b/a JDW Insurance (the "Transferee"), all the right, title, and interest of the Transferor in and to the Contract by virtue of a Bill of Sale and Assignment (the "Assignment") dated October 31, 2006, between the Transferor and the Transferee;

WHEREAS, the Transferee has acquired all of Transferor's right, title and interest in and to the Contract by virtue of the Assignment;

WHEREAS, the Transferee has assumed all obligations and liabilities of the Transferor under the Contract by virtue of the above transfer;

WHEREAS, the Transferee is in a position to fully perform all obligations that may exist under the Contract;

WHEREAS, it is consistent with the City's interest to recognize the Transferee as the successor party to the Contract; and

WHEREAS, no interested party is aware of any default under the Contract. Furthermore, no interested party is aware of any act or omission that would give rise to a default under the Contract after the mere passage of time.

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

That the City Manager is hereby authorized to execute a novation agreement whereby the City agrees to recognize John D. Williams d/b/a JDW Insurance as the successor in interest in and to the Contract.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **APPROVE** the above Resolution.

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14A. CITY MANAGER

*Motion made, seconded, and carried to **DELETE** discussion and action on issues related to Storm 2006.

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14B. CITY MANAGER

Working session on Ordinances introduced on May 15, 2007, and scheduled for public hearing on June 5, 2007. Discussion, review, and direction regarding possible changes relating to the following ordinances:

14B1. An Ordinance amending Title 20 (Zoning) of the El Paso City Code by replacing Title 20 in its entirety in order to establish zoning regulations; create use districts in accordance with the comprehensive plan; regulate within such districts the height, bulk, and use of buildings and structures, the size of yards, open spaces, use of land for commercial, industry, residence, and other purposes; adopting a zoning district map; provide for the role and authority of the City Plan Commission, Zoning Board of Adjustment, and City Council; regulate the density of dwellings and other structures and the percentage of lot that may be occupied by structures; provide for site plan approval; provide for nonconforming uses and structures; define certain terms as used within this ordinance; provide for special use permits; specify minimum requirements for off-street parking of motor vehicles and off-street loading areas; provide for overlay districts; provide for development standards for all uses; provide for regulations regarding signage; provide for enforcement including penalties of a fine not to exceed $2,000 or civil penalty not to exceed $500 for each and every offense; provide for injunctive relief; and provide for the following: findings of fact; repealer; severability; effective date; and proper notice and a hearing.

14B2. An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code by creating Chapter 18.46 (Landscape) in order to establish the minimum standards for installation and maintenance of irrigation and landscape within the Corporate Limits of the City; and providing for a criminal penalty, Class C misdemeanor not to exceed $2,000, and civil penalty up to $500 for violation of the Code.

14B3. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02. (Building and Construction Administrative Code), Section 18.02.109 (Permit Fees), Subsection 18.02.109.2.5 (Plan Deposit) of the El Paso City Code to delete the exception for a deposit for a sign permit, the penalty being as provided in Section 18.02.107 of the El Paso City Code.

14B4. An Ordinance amending Title 9, Health and Safety, of the El Paso City Code by deleting Chapter 9.20 (Tree Pest Control) in its entirety.

14B5. An Ordinance amending Title 9 (Health and Safety) of the El Paso City Code by adding Chapter 9.11, Tree Care, which will define the care, destruction, and planting of trees located on City property and to prevent certain hazards and nuisances created by trees located on private property, the penalty being as provided in Chapter 1.08 (General Penalty) of the El Paso City Code.

14B6. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.30 (Construction Board of Appeals), Section 2.30.060 (Powers) of the El Paso City Code to add additional powers to the Construction Board of Appeals.

14B7. An Ordinance amending Title 5 (Business Taxes, Licenses, and Regulations) of the El Paso City Code by adding Chapter 5.30 (Flea Market Operator Permit), Chapter 5.34 (Home Occupation License) and Chapter 5.94 (Sign Permit Fees, Licenses and Bonds) in order to set forth the requirements for licensing, permits, fees, and revocation of such licenses. Providing for a criminal penalty of a Class C Misdemeanor and a fine not to exceed $2,000; and a civil penalty not to exceed $500 per day.

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

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Momsen, Municipal Clerk
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

NO ACTION was taken on the items.

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Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 12:43 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk