

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
June 7, 2011
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, Emma Acosta, Rachel Quintana, and Beto O'Rourke. Late arrival: Steve Ortega arrived at 8:38 a.m. during executive session deliberations, Eddie Holguin, Jr., arrived at 8:39 a.m. during executive session deliberations, and Carl Robinson arrived at 8:42 a.m. during executive session deliberations. The invocation was given by Police, Fire, and 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. El Paso Giants: El Paso's Mayors Day**
- 2. Flag Observance Day**
- 3. El Paso Night Shift Nights**

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. Ms. Elizabeth Branham
2. Ms. Lisa Turner
3. Mr. Barney Field
4. Ms. Sonia Brown
5. Mr. Tom Brown
6. Mr. Gilbert T. Gallegos
7. Mr. Ignacio Padilla
8. Mr. Raul Castenada
9. Rio Bravo Middle School Students

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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 31, 2011.

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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, Title 18 (Building and Construction), Chapter 18.44 (Grading) of the El Paso City Code (the "Code") was adopted to complement the subdivision ordinance and the zoning ordinance and to protect life, limb, property, the public welfare and the physical environment by regulating grading on public and private property;

WHEREAS, the Grading Ordinance helps guide the physical development of the community by ensuring that proposed grading shall result in minimum possible disturbance of terrain and natural land features, stabilize steep hillsides, prevent soil erosion, encourage harvesting and preservation of rainwater, preserve natural drainage paths and other drainage features, reduce potential off-site flooding and shall not adversely affect the natural topographic drainage features; and

WHEREAS, on June 3, 2008, the City Council of El Paso passed a Resolution adopting a Design Standards for Construction Manual ("Manual") to be used by developers grading property within the City of El Paso; and,

WHEREAS, the City now wishes to amend the Manual to address the natural materials along the bench and down drain referred to in Section 18.44.220.a.8.g.i of the Grading Ordinance.

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

That the City of El Paso's Design Standards for Construction Manual, Section 5 (Earth Retention and Erosion Control) be amended to add page 5-5 Slope Drainage Bench and Down Drains, as illustrated.

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3B.

***RESOLUTION**

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR ALL OF LOT 1, BLOCK 42, RIDGE VIEW ESTATES UNIT 16, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE

WHEREAS, on June 8, 2010, City Council rezoned the property described as All of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas, from **R-3A/sc (Residential/special contract) to C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)** and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the Mayor and City Council; and,

WHEREAS, the property owner, **EZAR Properties, L.P.** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract) District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

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

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

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the property described as *All of Lot 1, Block 42, Ridge View Estates Unit 16, City of El Paso, El Paso County, Texas*, the City Council hereby approves the detailed site development plan. The detailed site development plan is subject to the development standards in the C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract) District:
2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract) District regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.
5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Representative Ortega commented.

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3C

1.

RESOLUTION

WHEREAS, the City of El Paso and River Oaks Properties, Ltd., wish to annex approximately 7.161 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 1.519 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit "C", due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and River Oaks, Ltd., for 7.161 acres of real property, located east of Zaragoza Road and south of Gambusino Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

2.

RESOLUTION

WHEREAS, the City of El Paso and River Oaks Properties, Ltd., wish to annex approximately 7.887 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 2.887 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit "C", due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and River Oaks, Ltd., for 7.887 acres of real property, located east of Joe Battle Boulevard and south of Windermere Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

3.

R E S O L U T I O N

WHEREAS, the City of El Paso and River Oaks Properties, Ltd., wish to annex approximately 8.070 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 6.103 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit "C", due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and River Oaks, Ltd., for 8.070 acres of real property, located north of Zaragoza Road and south of Montana Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

4.

R E S O L U T I O N

WHEREAS, the City of El Paso and River Oaks Properties, Ltd., wish to annex approximately 42.225 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 2.817 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit "C", due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and River Oaks, Ltd., for 42.225 acres of real property, located north of Zaragoza Road and south of Montana Avenue, which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

5.

R E S O L U T I O N

WHEREAS, the City of El Paso and River Oaks Properties, Ltd., wish to annex approximately 2.054 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately 0.212 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in the Annexation Agreement attached as Exhibit "C", due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property, the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager be authorized to sign an Annexation Agreement between the City and River Oaks, Ltd., for 2.054 acres of real property, located northwest of Zaragoza Road and south of Edgemere Boulevard, which will specify the terms and conditions in which the property will be annexed should the City annex the property; and,

That the Deputy Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Texas Local Government Code.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd and Holguin, commented.

Representative Holguin stated, "Under the rule in the Ethics Ordinance, for item 3C, I have received a campaign contribution from Mr. Rubin."

Mr. Adam Frank, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **APPROVE** the Resolutions

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

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4. APPLICATION FOR TAX REFUNDS

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

- A. El Paso Kidney Specialists in the amount of \$9,943.99 overpayment of 2010 taxes. (PID #0914-999-1093-7650).
 - B. Lone Star Title in the amount of \$2,865.07 overpayment of 2010 taxes. (PID #A763-999-0010-0100).
 - C. LSI Title Agency in the amount of \$2,614.74 overpayment of 2010 taxes. (PID #C823-999-0550-1700).
 - D. Realty Southwest LP in the amount of \$101,444.53 overpayment of 2009 taxes. (PID #E131-999-0080-0700).
 - E. HSBC Mortgage in the amount of \$3,419.42 overpayment of 2009 taxes. (PID #E207-999-0330-2300).
 - F. Vericrest Financial, Inc., in the amount of \$3,899.18 overpayment of 2010 taxes. (PID #F609-999-0050-1900).
 - G. Corelogic in the amount of \$8,470.16 overpayment of 2010 taxes. (PID #L130-999-0050-0600).
 - H. BCL – El Paso LLC in the amount of \$77,586.46 overpayment of 2010 taxes. (PID #P192-999-0050-0100).
 - I. Evelyn P. Sierra in the amount of \$3,460.93 overpayment of 2010 taxes. (PID #T287-999-0940-0400).
 - J. Francisco Javier Balderrama, Jr., in the amount of \$2,776.77 overpayment of 2010 taxes. (PID #T287-999-1560-1700).
 - K. Corelogic in the amount of \$3,359.62 overpayment of 2010 taxes. (PID #V893-999-1720-0700).
 - L. GMAC in the amount of \$3,546.44 overpayment of 2010 taxes. (PID #V893-999-1110-7100).
 - M. Jorge Ortez in the amount of \$5,143.80 overpayment of 2010 taxes. (PID #V897-999-0020-3965).
 - N. Angel Flores in the amount of \$4,065.66 overpayment of 2010 taxes. (PID #V897-999-0110-3300).
 - O. Chase Home Finance in the amount of \$8,643.68 overpayment of 2010 taxes. (PID #V897-999-0380-0900).
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5. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Eddie Holguin, Jr. in the amount of \$1,000.00 from Gerald Rubin; \$500.00 from Robert Bowling IV, \$1,000.00 from Texas Association of Realtors PAC, \$500.00 from Richard Saab, \$500.00 from GC Services L.P., \$500.00 from Robert Foster, \$500.00 from Douglas A. Schwartz and \$1,000.00 from El Paso Association of Firefighters PAC.

6.

R E S O L U T I O N

WHEREAS, Title 4, Chapter 1, Section 8(k) of the United States Code requires that when the flag of the United States of America is no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning; and

WHEREAS, the City Code states that an open burning for ceremonial purposes such as a bonfire, must comply with the appropriate permit requirements, including the payment of the permit fee; and

WHEREAS, the Council finds that the provision of funding for the permit fee for a ceremonial burning to retire the flag of the United States of America by the VVA Chapter 844 promotes patriotism and respect for government regulation and constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend discretionary funds.

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

That the City Council declares that the expenditure of discretionary funds to pay for the permit fee for an open burn in order to comply with the City Code requirements and with federal law for the retirement of the flag of the United States of America benefits the community in that it promotes patriotism and respect for government regulation, serves a municipal purpose, and is authorized.

Mayor Cook and Representative Robinson commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Quintana, and unanimously carried to **APPROVE** the Resolution.

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

..... **7.**

REQUEST FOR PRPOSAL

*Motion made, seconded, and unanimously carried to **AWARD AS REVISED** Solicitation No. 2011-077R (Non-Emergency Ambulance Transportation Services) to Elite Medical Transport of Texas, LLC.

Department: Fire
Award to: Elite Medical Transport of Texas, LLC

Vendor Location: El Paso, TX
Item(s): All
Initial Term: 3 years
Option: 2 years
Funding Source: Revenue Generating Contract

This provides the city with reimbursement for the City's ambulance response fee.

There is no cost to this contract. The City will be reimbursed for services performed based on billing fees and penalties.

The Departments of Financial Services - Purchasing Division and Fire Departments recommends award as indicated to Elite Medical Transport of Texas, LLC, the highest ranked offeror based on evaluation factors established for this procurement.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any contract documents necessary to effectuate this award.

Mayor Cook and Representatives Byrd, and Robinson, commented

The following City Staff members commented:

1. Chief Otto Drozd, Fire Department
2. Mr. Bruce Collins, Purchasing Manager

Ms. Lisa Turner, citizen, commented

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8. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 8A.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to Section 2.92.120 (Ethics Training) to add requirements for receiving training on the ethics and lobbying ordinances; the penalty being as provided in Section 2.92.150 A of the El Paso City Code.
- 8B.** An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals) Section 15.08.120 (Special Privilege Licenses and Permits) to create an exception from the permitting requirement for events produced by the Museums and Cultural Affairs Department.
- 8C.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations) Section 13.20.040 (Selling of Merchandise Prohibited on and near Public Right-of-way) to allow for the sale of items authorized by Ordinance or Permit.
- 8D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.30 (Temporary Traffic Control) Section 12.30.030 (Permit Required) to create an exemption from the permitting requirement for events produced by the Museums and Cultural Affairs Department.

8E. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museum and Cultural Affairs) adding Section 2.40.100 (Artist Market) to create an Artist Market permitting vendors from the region to display and sell hand made or hand assembled items for the benefit of the citizens and visitors to El Paso; the penalty provided in Sections 1.08.010 through 1.08.030 of the City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2011, FOR ITEMS 8A – 8E

8G. An Ordinance changing the zoning of Lots 4 and 5, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas; and a portion of Lot 3, Block 1, El Paso West Unit Two, City of El Paso, El Paso County, Texas from M-1 (Manufacturing) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

8H. An Ordinance changing the zoning of the following real property known as: Parcel 1: a portion of Lot 3, all of Lots 4 thru 32, Block 1, all of Block 2, all of Billy Joe Circle and portions of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial) Parcel 2: Lots 1 thru 8, Block 3, and a portion of Lisa Anne Way right-of-way and Robert Todd Way right-of-way, Desertaire Estates, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

8I. An Ordinance granting Special Permit No. ZON11-00021, to allow for infill development and a parking reduction on the property described as Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code and repealing Special Permit ZON09-00074. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 28, 2011, FOR ITEMS 8G – 8I

8F. An Ordinance amending Ordinance No. 017456, to provide that City health benefits shall be available to City employees and their legal spouse and dependent children and all other persons who are within an eligible class or in a class that actually received benefits under a City health benefits plan prior to November 10, 2010.

Motion made by Representative Byrd, seconded by Representative Quintana, and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

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

NAYS: Representatives Acosta and Holguin

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2011, FOR ITEM 8F

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ITEMS 9A. AND 9B. TAKEN TOGETHER

9A. CITY MANAGER

Presentation of the Final San Jacinto Plaza Park Concept plan to City Council by SWA Landscape Architects. (District 8)

Mr. Gerdo Aquino, SWA Group, Inc. presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Ying Yu Hung. SWA Group, Inc. commented.

NO ACTION was taken on this item

9B.

R E S O L U T I O N

WHEREAS, Mills Plaza Properties II, LP (the "Prospective Donor") and its affiliates have renovated and expanded the historic Anson Mills Building, have constructed a multi-story parking garage, have purchased and will renovate the historic Plaza Hotel, and will create a public pedestrian plaza at Mills Street, all of which are prominent properties adjacent to or in close proximity to the San Jacinto Plaza, a City-owned public park in Downtown El Paso; and

WHEREAS, in conjunction with its downtown activities, the Prospective Donor engaged SWA Group, Inc. to, among other things, develop a redesign of the San Jacinto Plaza through a dynamic public participation process, for the purpose of developing a concept design and construction documents to be donated as a gift to the City for the City's use in any subsequent major park renovation; and

WHEREAS, prior to the preparation of construction documents based on the proposed design concept, the Prospective Donor in conjunction with SWA Group, Inc. has submitted the proposed concept design for the redesign of San Jacinto Plaza to the City for its review and preliminary approval.

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

That the City Council approves the concept design for the redesign of San Jacinto Plaza, as proposed by SWA Group, Inc., and authorizes the City Manager or her designee to take any and all appropriate administrative actions necessary to comply with Title 20 of the El Paso City Code.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Byrd, Quintana, Ortega, and Robinson, commented.

Mr. Gerdo Aquino, SWA Group, Inc commented.

The following City Staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Ms. Debbie Hamlyn, Deputy City Manager of Community Services

The following members of the public commented:

1. Mr. Miguel Juarez
2. Mr. Raul Amaya
3. Mr. Lane Gaddy

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

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

10.

ORDINANCE 17574

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 PROPERTIES DESCRIBED AS LOTS 1 THRU 40, BLOCK 70; LOTS 13 THRU 18, BLOCK 71; AND LOTS 28 THRU 32, BLOCK 71, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS, TO H. DANIEL PETTIT AND KIMBERLY KEETON-PETTIT. IN ACCORDANCE WITH THE SECTION 34.05 (H) OF THE TAX CODE.**

Representative Holguin stated, "Under the rule in the Ethics Ordinance, for item 3C, I have received a campaign contribution from Ms. Pettit"

Ms. Elaine Hengen, Senior City Attorney gave legal advice

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, Acosta, Robinson, 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**.

11A. **FINANCIAL SERVICES**

Motion made by Representative Quintana, seconded by Representative Ortega, to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of Lot 1, Block 4, Hueco Mountain Village, City of El Paso, El Paso County, Texas from C-3/SP (Commercial/Special Permit) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office)

Mayor Cook and Representatives Quintana, Acosta, Byrd, and Lilly, commented

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Carlos Jimenez, representative for the homeowners, commented.

11B.

ORDINANCE 17575

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE), OF THE EL PASO CITY CODE, TO MODIFY AND PROVIDE ADDITIONAL DEFINITIONS, MODIFY FRONTAGE TREE AND PARKING LOT TREE REQUIREMENTS, INCREASE LANDSCAPABLE AREA REQUIREMENTS, AND ADD PROVISIONS FOR STREET TREES ON BOTH RESIDENTIAL AND COMMERCIAL DEVELOPMENT. THE PENALTY BEING AS PROVIDED IN SECTION 18.46.180 (VIOLATIONS – PENALTY) OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representatives Ortega, Robinson, Holguin, Byrd, Acosta, O’Rourke and Quintana, commented.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Charlie Wakeen, Open Space Advisory Board
2. Ms. Alexandra Swann, Chair, El Paso Hispanic Chamber of Commerce
2. Ms. Ana Gonzalez
3. Mr. Luis Fernando Terrazas
4. Mr. Bryan Wierson, Greater El Paso Chamber of Commerce
5. Ms. Jennifer Barr

1ST MOTION

Motion made by Representative O’Rourke, seconded by Representative Ortega, to **ADOPT** the Open Space Advisory Board (OSAB) and Parks Board recommendations.

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

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, to **ADOPT** the Open Space Advisory Board (OSAB) and Parks Board recommendations, with the revisions read into the record.

AYES: Representatives Lilly, byrd, Acosta, Quintana, Ortega and O’rourke
NAYS: Representatives Robinson and Holguin

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11C.

Motion made by Representative Ortega, seconded by Representative Quintana, to **POSTPONE** one week the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Sections 20.18.050 (Definitions), Section 20.18.400 (General) and Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations and to modify wall sign regulations. The penalty is as provided in Section 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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11D.

ORDINANCE 17576

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.060 (EXCLUSIONS FROM DEDICATION REQUIREMENT) AND CHAPTER 19.26 (ALTERNATIVE SUBDIVISION/SMART CODE DESIGNS), SECTION 19.26.020 (INFILL DEVELOPMENT) OF THE EL PASO CITY CODE TO ALLOW FOR CERTAIN EXCLUSIONS FROM THE PARKLAND DEDICATION REQUIREMENTS FOR CERTAIN REPLATS MEETING SPECIFIC CRITERIA AND TO ALLOW FOR THE REDUCTION OF PARK FEES ON CERTAIN INFILL DEVELOPMENTS AND ADDING AN APPENDIX TO DESIGNATE THE REDUCTION OF SUCH FEES. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development presented a PowerPoint presentation (copy on file in City Clerk's office)

Representatives Byrd and Robinson commented.

Motion duly made by Representative 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, Acosta, Robinson, 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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ITEMS 12A. AND 12B. WERE TAKEN TOGETHER

12A.

ORDINANCE 17577

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), APPENDIX A (TABLE OF PERMISSIBLE USES) AND TABLE C (MINIMUM PARKING) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR BOARDING HOME FACILITIES AND ADD STANDARDS FOR BOARDING HOME FACILITIES AND AMEND DEFINITIONS FOR CERTAIN PERSONAL CARE FACILITIES AND CLARIFY STANDARDS FOR PERSONAL CARE FACILITIES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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, Acosta, Robinson, 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**.

12B.

ORDINANCE 17578

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE EL PASO CITY CODE BY ADDING CHAPTER 5.47 (BOARDING HOME FACILITIES) IN ORDER TO SET FORTH THE REQUIREMENTS AND STANDARDS FOR PERMITS, FEES, INSPECTIONS AND REVOCATION OF SUCH PERMITS OF BOARDING HOME FACILITIES AND PROVIDING FOR A CRIMINAL PENALTY.**

Representatives Byrd, Quintana and Ortega, commented.

The following City Staff members commented:

- 1. Mr. Victor Morrison-Vega, Deputy Director for Engineering & Construction Management
- 2. Ms. Kimberly Forsyth, Planning and Economic Development

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED AS REVISED**, with an effective date of July 1, 2011. 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, 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 AS REVISED**.

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13.

RESOLUTION

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

That the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Pinnacle Social Services LLC, in the amount of \$64,000.00 for Building Purchase, as recommended by the Director of Community and Human Development; and

That the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, Pinnacle Social Services LLC, and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

Representative O'Rourke commented.

Mr. William Lilly, Director of Community and Human Development, commented.

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

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

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to
ADJOURN this meeting at 12:50 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk