

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
JUNE 10, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:09 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Early departures: Ann Morgan Lilly at 3:00 p.m. and Eddie Holguin, Jr. at 4:56 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. EL PASO INDEPENDENT SCHOOL DISTRICT TAKS ACHIEVEMENT MONTH**
- 2. YSLETA INDEPENDENT SCHOOL DISTRICT TAKS ACHIEVEMENT MONTH**
- 3. JUNETEENTH**
- 4. WEST POINT DAY**
- 5. KIRA VIOLA, 2008 YOUNG MASTER DAY**

RECOGNITION

TEXAS COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE PRESENTATION OF THE SILVER LEVEL AWARD TO THE CITY OF EL PASO

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. Robyn McCormick**
- 2. Mr. Ray Gilbert**
- 3. Mr. Fred Jackson**
- 4. Mr. Jerry Thiedt**

- 5. Mr. H. W. "Bill" Sparks
- 6. Mr. Angel Ballesteros

Mayor Cook and Representatives Byrd and Ortega commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Jackson an additional minute to address the Council.

CONSENT AGENDA

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

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 3, 2008.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

***RESOLUTION**

WHEREAS, the Plaza Film Festival, a community event that will be held from August 15, 2008, through August 24, 2008, will allow the citizens in El Paso the opportunity for recreational entertainment and the enjoyment of a community activity in the historic Plaza Theater;

WHEREAS, this event will serve functions and purposes similar to activities promoted and presented by several City departments, to include art education and movie entertainment, and will promote the City's tourism efforts and enable the public to utilize the historic Plaza Theater for events with an affordable admission fee;

WHEREAS, as the City Council has found that the presentation of the Plaza Film Festival in the City is of the same type of activity generally presented or promoted by the City within its established programs, the Council finds that the provision of funding towards the presentation of this Event, 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 in an amount not to exceed \$1,000.00 per participating Representative District; and

WHEREAS, Ordinance No. 16015 authorizes the City Manager to enter into all necessary agreements relating to the expenditure of 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 support the Plaza Film Festival to be held from August 15, through 24, 2008 serves a municipal purpose and is authorized.

Representatives Holguin, Byrd, and Ortega commented.

Ms Joyce Wilson, City Manager, commented.

Mr. Eric Pearson, El Paso Community Foundation, commented.

Ms. Lisa Turner, citizen, commented.

3B. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Resolution authorizing the City Manager to sign a Developer’s Participation Agreement between the City of El Paso and El Paso Glory Road, LLC, to allow the City to participate in the cost of the construction of public improvements along Mesa Street, Glory Road, and Cincinnati Street in an amount not to exceed \$30,000 in accordance with Local Government Code Section 212.071.

3C.

***RESOLUTION**

The City Manager is authorized to sign, on behalf of the City of El Paso, the agreement with the National Institute for Adults Education which provides Mexicans living abroad the opportunity to begin or continue their education in their own language, training to Library staff, access to on-line courses through the CONEVYT educational portal and educational publications to the Library in support of the instructional programs INEA will make available to students all at no cost to the City.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

3D.

***RESOLUTION**

1. That the El Paso City Council approves submission of the grant application for the Paul Coverdell Forensic Sciences Improvement Program to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$75,000 from the El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department Crime Laboratory.
3. The City of El Paso agrees that no cash or in-kind match is being provided.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.

5. The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

Representatives Quintana, O'Rourke, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Tom Whitten commented.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the re-appointment of Billie Brown to the Community Development Steering Committee by Representative Melina Castro, District 4.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the appointment of Marianne Campbell to the Animal Shelter Advisory Committee by Representative Rachel Quintana, District 5.

Representative Quintana commented.

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6A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-117 (Grounds Maintenance – City Medians) to Green Scene Inc., for a total estimated award of \$58,454.

Department: Street
Award to: Green Scene Inc.
El Paso, TX
Items: All
Annual Est. Amount: \$58,454
Account No.: 32010155 – 502221 – 01101
Funding Source: Streets Medians, Groundkeeping/Horti Contracts, General Fund
Total Est. Award: \$58,454

This is a 12-month requirements type contract for Grounds Maintenance – City Medians.

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 Street recommend award to the vendor offering the best value bid.

Representative Quintana and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Street Director, commented.

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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-180 (Sodium Bicarbonate) to Porter Warner Industries, LLC, for a total estimated award of \$54,825.

Department: Street
Award to: Porter Warner Industries, LLC
Phoenix, AZ
Items: All
Annual Est. Amount: \$18,275
Account No.: 32010362 – 503203 – 01101
Funding Source: Public Access Maintenance & Repairs/Graffiti
Total Est. Award: \$54,825

This is a 36-month requirements type contract for sodium bicarbonate.

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 Street recommend award as indicated to the lowest responsive, responsible bidder.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Street Director, commented.

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6C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-183 (Paint and Painting Supplies) to Kwal Paint for a total estimated award of \$179,196.75.

Department: Street
Award to: Kwal Paint
Denver, CO
Items: All
Annual Est. Amount: \$59,732.25
Account No.: 32010362 – 503203 – 01101
Funding Source: Public Accesses Maintenance & Repair/Graffiti
Total Estimated Award: \$179,196.75 (3-year total)

This is a 36-month requirements type contract for paint and painting supplies.

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 Street recommend that the lowest bidder be disqualified as non-responsible and the contract be awarded as indicated to the lowest responsive, responsible bidder.

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6D. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-195 (Magnesium Chloride Dust Control Agent) to Texas Soil Control, Inc., for a total estimated award of \$162,594.

Department: Street
Award to: Texas Soil Control, Inc.
El Paso, TX
Items: All
Option: To extend the term of the contract at the same unit price for an additional two year period if the option is exercised within two years from the date of award.
Annual Est. Amount: \$54,198
Account No.: 32010200 – 503203 – 01101
Funding Source: Public Accesses Maintenance & Repairs/Streets Maintenance
Total Est. Award: \$162,594

This is a 36-month requirements type contract for magnesium chloride dust control agent.

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 Street recommend award as indicated to the lowest responsive, responsible bidder.

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6E. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-185 (Cedar Grove Sidewalk Improvements) to Ricardo Lopez, d/b/a Tirayan Construction, for a total estimated amount of \$92,088.

Department: Engineering
Award to: Ricardo Lopez, d/b/a Tirayan Construction
El Paso, Texas
Base Bid: \$92,088
Account No.: 14200403 – 508027 – 29121 – PBE04ST107
Funding Source: FY 2004 General Obligation Bonds
Total Estimated Award: \$92,088

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As 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 which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend that the lowest bidder be disqualified as non-responsible and the contract be awarded as indicated to the lowest responsive, responsible bidder.

Representatives Quintana and Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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7A. – 7E. INTRODUCTIONS

Motion made by Mayor Pro Tempore 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:

- 7A.** An Ordinance amending Title 12, (Vehicles and Traffic), Chapter 76 (Bicycles) of the El Paso City Code by deleting Section 12.76.080 (Riding on Sidewalk) in its entirety.
- 7B.** An Ordinance granting a Special Privilege to the Luis and Manuela Hernandez Irrevocable Trust permitting the encroachment of canopies along a portion of public rights-of-way located at 519 South Oregon Street.
- 7C.** An Ordinance granting a Special Privilege to YEK #2 L.P. to permit aerial, surface, and subsurface encroachments within a portion of the alley between San Antonio Street and Texas Street more particularly described as a portion of public right-of-way within Block 12, Mills Map Addition, City of El Paso, El Paso County, Texas, for an aerial structure, underground passage, two wrought iron security gates, and two canopies.
- 7D.** An Ordinance amending Title 19 (Subdivisions), Article 3 (Authority of Decision Makers), Section 19.31 (Responsible Officials), Subsection 19.31.7 (Storm Water Administrator), and Subsection 19.31.8 (Floodplain Administrator) to amend the responsibilities. The penalty is as provided for in Section 19.42 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2008, FOR ITEMS 7A – 7D

- 7E.** An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Tract 4, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from M-3 (Unrestricted Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 2: all of Tracts 6 and 7, I.F. Harrison Survey No. 54 and Tract 3, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential), A-2 (Apartment) and M-1 (Light Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 3: a portion of Tracts 6 and 7, I.F. Harrison Survey No. 54, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) and A-2 (Apartment) to R-5 (Residential); and, Parcel 4: all of Tract 7, I.F. Harrison Survey No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing), R-3 (Residential), and A-2 (Apartment) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 1, 2008, FOR ITEM 7E

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Representatives O'Rourke and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Momsen, Municipal Clerk
3. Mr. Philip Etiwe, Development Review Manager

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8. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2008-197 (Upper Valley Drainage Improvements Phase II [Charl Ann-Ocotillo]) to JAR Concrete, Inc. d/b/a JAR Construction, Inc., for a total estimated amount of \$1,574,355.80.

Department:	Engineering
Award to:	JAR Concrete, Inc. d/b/a JAR Construction, Inc. El Paso, TX
Base Bid:	\$1,574,355.80
Account No.:	14200500 – 508027 – 27264 – PSTM06 PW25-0
Funding Source:	Storm 2006
Total Estimated Award:	\$1,574,355.80

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 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.

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

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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ITEMS TAKEN TOGETHER:

9A. PUBLIC HEARING – DEVELOPMENT SERVICES

A Resolution amending a condition on property by contract dated March 2, 1977, which imposed conditions on the following property: Parcel 1: a portion of Tract 1, Block 89A, Logan Heights Addition, and a part of the adjacent vacated portion of Copia Street, City of El Paso, El Paso County, Texas; Parcel 2: a portion of vacated Copia Street adjacent to Block D, Logan Heights Addition, and a part of the adjacent vacated

portion of Copia Street, City of El Paso, El Paso County, Texas. The penalty is as provided in Chapter 20.24 of the El Paso City Code.

9C. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 1, Block 89A, Logan Heights Addition, and a part of the adjacent vacated portion of Copia Street, City of El Paso, El Paso County Texas, from A-O/SC (Apartment/Office/ Special Contract) to C-1/SC/C (Commercial/Special Contract/Condition); Parcel 2: a portion of vacated Copia Street adjacent to Block D, Logan Heights Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/C (Commercial/Condition); and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Representative Byrd commented.

Mr. Philip Etiwe, Development Review Manager, commented.

Mr. Eric Hardesty, applicant, commented.

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

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9B.

ORDINANCE 16909

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), SECTION 20.18.470 (U-P DISTRICT), OF THE EL PASO CITY CODE BY ADDING PROVISIONS FOR SINGLE AND MULTI-TENANT BUILDINGS AND SECTION 20.18.480 (HISTORIC OVERLAY ZONES, HISTORIC DISTRICTS, AND DESIGNATED SIGNIFICANT LANDMARKS) OF THE EL PASO CITY CODE BY ADDING PROVISIONS FOR MAXIMUM SIGN AREA, NUMBER AND HEIGHT IN THE C-1 (COMMERCIAL), G-MU (GENERAL MIXED USE) AND I-MU (INDUSTRIAL MIXED USE) DISTRICTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Mr. Philip Etiwe, Development Review Manager, commented.

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, 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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9D. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of the following real property described as Parcel 1: all of Lots 1-5, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, be changed from C-1 (Commercial) to S-D (Special Development); and, Parcel 2: a portion of Lots 6 through 10, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, be changed from C-2 (Commercial) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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9E. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance granting Special Permit No. ZON08-00032 to allow for a parking reduction on the property described as a portion of Lot 6 through 10 and all of Lots 1 through 5, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. . The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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9F.

ORDINANCE 16910

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 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.**

Mayor Cook and Representative O'Rourke commented.

Mr. Chuck Kooshian, Lead Planner, 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, 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**.

9G.

ORDINANCE 16911

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO ADOPT UNITED STATES GREEN BUILDING COUNCIL – LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) SILVER CERTIFICATION REQUIREMENTS OR AN EQUIVALENT RATING SYSTEM STANDARD FOR SUSTAINABLE DEVELOPMENT DESIGN STANDARDS OF CITY-OWNED BUILDINGS OF 5,000 SQUARE FEET AND LARGER.**

Mayor Cook and Representatives Quintana and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

Mr. Frederic Dalbin, El Paso Chapter of the American Institute of Architects, commented.

Motion duly made by Mayor Pro Tempore 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, 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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10.

ORDINANCE 16912

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), ARTICLE 2 (SUBDIVISION STANDARDS), SECTION 19.19 (STORM WATER MANAGEMENT REQUIREMENTS), SUBSECTION 19.19.1 (GENERAL PROVISIONS), AND ARTICLE 6 (DEFINITIONS), OF THE EL PASO CITY CODE TO ADD A PARAGRAPH ON ARROYO PRESERVATION, TO DESIGNATE THE ROLE OF THE FLOODPLAIN ADMINISTRATOR, TO AMEND THE DEFINITION FOR THE STORM WATER ADMINISTRATOR, TO ADD A DEFINITION FOR FLOODPLAIN ADMINISTRATOR, AND TO AMEND THE DEFINITION OF ARROYOS. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representatives Lilly, O'Rourke, Byrd, and 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. Lupe Cuellar, Assistant City Attorney, gave legal advice.
4. Ms. Patricia Aduato, Deputy City Manager of Development and Infrastructure Services

The following members of the public commented:

1. Mr. Charlie Wakeem presented a PowerPoint presentation (on file in the City Clerk's office).
2. Mr. Kevin von Finger
3. Mr. Richard Schechter
4. Ms. Wendy Holt
5. Mr. Charles Holt
6. Dr. Rick Bonart
7. Mr. David Wilson

1ST MOTION

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

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **AMEND** the definition of arroyo as a naturally occurring elongated depression in the earth, including the sloping sides from rim to rim, following a historic water flow that may temporarily fill with water after a storm water runoff event

3RD MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AMEND** paragraph F of 19.19.1 as read into the record by Assistant City Attorney Lupe Cuellar.

4TH AND FINAL MOTION

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

AYES: 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, AS REVISED**.

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11. COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Representative Lilly, seconded by Representative Quintana, and unanimously carried to **CLOSE THE PUBLIC HEARING** on adoption of the Final Revised Strategic Plan, including Implementation Plan and Budget for the U.S. Department of Housing and Urban Development Empowerment Zone Planning and Implementation Grant Program (Agreement No. EZ-99-TX-0013) in accordance with 24 CFR Part 598.

Ms. Isela Robison, Community and Human Development Empowerment Zone Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Byrd and O'Rourke commented.

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

Ms. Sally Andrade, Vice Chair of the Empowerment Zone, commented.

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12A.

RESOLUTION

That having conducted a Public Hearing in order to receive comments in accordance with 24 CFR Part 598, hereby adopts the Final Revised Strategic Plan, including Implementation Plan and Budget for the U.S. Department of Housing and Urban Development Empowerment Zone Planning and Implementation Grant Program (Agreement No. EZ-99-TX-0013), attached hereto as Exhibit "A" with the revision that applicants be permitted to submit a funding request for a project that incorporates one or more funding categories listed in the Implementation Plan.

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

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

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12B. COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **APPOINT** the following members to the El Paso Mental Health and Mental Retardation Center Board of Trustees.

Position No. 1
Ms. Virginia Alonso – (Family Consumer)

Position No. 2
Ms. Sandra R. Lloyd, Ph. D. – (At large)

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

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13A. MAYOR AND COUNCIL

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **DIRECT** that the City Manager City-initiate the vacation of portions of Lawton Drive between Prospect Street and West Yandell Drive and Upson Drive between Porfirio Diaz Street and West Yandell Drive, and to formally dedicate these triangular areas as an extension of Mundy Park.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Ms. Patricia Aduato, Deputy City Manager of Development and Infrastructure Services

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The City Council Meeting **RECESSED** at 12:38 p.m. and **RECONVENED** at 1:19 p.m.

.....
Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 1:19 p.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Castro, and Holguin

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Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to **RECONVENE** the City Council Meeting at 1:30 p.m.
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13B. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **DELETE** the item directing the Environmental Services Department, in consultation with the City Attorney’s Office, to present a model ordinance to City Council - within 12 weeks – for consideration concerning the banning or reduction of retail plastic bag use. The Environmental Services Department is encouraged to meet with, and seek input from, community stakeholders and retail businesses.

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

NAYS: Representatives Lilly, Byrd, and Ortega

Representative Ortega presented a PowerPoint presentation (on file in the City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

The following members of the public commented:

- 1. Mr. Mark Benitez
- 2. Ms. Lisa Turner
- 3. Mr. Walt Phillips
- 4. Mr. Jose Agustin Ramirez
- 5. Mr. Javier Jesus Vera

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14. ECONOMIC DEVELOPMENT

Presentation by West Miller, Regency Centers, on plans to revitalize the 8889 Gateway West property (aka Farah) into a retail center.

Mr. West Miller, Regency Centers, presented a PowerPoint presentation (on file in the City Clerk’s office).

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Fred Jackson
- 2. Ms. Emma Acosta
- 3. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
- 4. Mr. Mark Benitez
- 5. Mr. Dan Olivas, President of the El Paso Board of Realtors
- 6. Ms. Lisa Turner
- 7. Mr. Rod Vosper, Simon Properties
- 8. Mr. Bill Hammer, Simon Properties
- 9. Mr. Brent Harris, Hawkins
- 10. Mr. Paul Foster

1ST MOTION

Motion made by Representative Quintana, 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: Representative Lilly

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

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

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ITEMS TAKEN TOGETHER:

15. CITY MANAGER

Discussion and action regarding the requirement under the Ethics Ordinance that City Board and Commission members annually file a financial disclosure form.

NO ACTION was taken on the item.

16. INTRODUCTION

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

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to amend Section 2.92.070, Subsection A, to eliminate the requirement that financial disclosure forms be filed annually by City Board and Commission members.

PUBLIC HEARING WILL BE HELD ON JUNE 17, 2008, FOR THE ITEM

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

Mayor Cook and Representatives O'Rourke and Byrd commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** this meeting at 5:01 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk