

**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  
JULY 14, 2009  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Emma Acosta at 8:41 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 8:43 a.m. during Executive Session deliberations. The invocation was given by Chaplain Martin Wilson, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. PAUL L. FOSTER DAY**
- 2. LOWER DYER NEIGHBORHOOD REVITALIZATION STRATEGY AREA YOUTH DAY**
- 3. F.I.S.H. (FOREVER I SERVE HIM) CAMP DAY**
- 4. SOCORRO HIGH SCHOOL "BULLDOGS" BASEBALL TEAM DAY**

**RECOGNITION**

**Officer Linda Olvera**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

- 1. Mr. Cesar Campa, Puentes LGBT Resources**
- 2. Mr. Sam Aguilera, Puentes LGBT Resources**
- 3. Mr. Raul Martinez**
- 4. Mr. Isaac Perez-Bolado**
- 5. Mr. Richard Schecter**
- 6. Mr. Terrence Owns**



**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 7, 2009, and the Special City Council Meeting of July 9, 2009 (Budget Hearings for Public Safety Communications, Police, Fire, Union Concessions, Municipal Clerk, and Department of Public Health).

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

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

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a First Amendment to the Industrial Site Lease by and between the City of El Paso ("Lessor") and Dick Poe Motors, Inc. ("Lessee") to add a second option to extend the Lease an additional five years, to expire on July 31, 2014.

Representative Robinson commented.

Ms. Ms. Monica Lombrana, Director of Aviation, commented.  
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**3B.**

**RESOLUTION**

**THAT** the City Manager be authorized to sign a Memorandum of Agreement (MOA) between the City of El Paso and the Texas State Historic Preservation Officer regarding the Magoffin Park Villas project to be located at 900 Myrtle Avenue. The MOA provides for the City to develop a National Register nomination for an area, to be determined, that includes the Magoffin Park Villas project.

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

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

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

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

AYES; Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)  
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**3C.**

**\*RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the east side of Latta Street between Findley Drive and Paisano East Drive; and

**WHEREAS**, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said

street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

**THAT** the City Engineer is hereby authorized and directed to designate thirteen (13) offset angle parking spaces on the east side of Latta Street between Findley Drive and Paisano East Drive. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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**3D.**

**\*RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the west side of Luna Street adjacent to 3330 Montana Ave.; and

**WHEREAS**, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

**THAT** the City Engineer is hereby authorized and directed to designate nine (9) offset angle parking spaces on the west side of Luna Street adjacent to 3300 Montana Ave. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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**3E.**

**\*RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the west side of Noble Street adjacent to 1147 Montana Ave.; and

**WHEREAS**, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

**THAT** the City Engineer is hereby authorized and directed to designate five (5) offset angle parking spaces on the west side of Noble Street adjacent to 1147 Montana Ave. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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**3F.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Rita Aguirre for the purchase of the following property within the Mowad Subdivision for \$22,000.

A 0.138 acre parcel, more or less, being portion of Tract 16, El Canutillo Acreage Tracts, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 9, Page 44, Plat Records of El Paso County, Texas.

Representative Robinson commented.

Mr. Robert Ramirez, Engineering Consumer Affairs Administrator, commented.

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**3G.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign the attached Service Agreement by and between the City of El Paso and Son Arc, Inc. ("Artist"), to prepare the design, budget and construction documentation for the public art to be known as the Cleveland Square Park Public Art Project in the amount of \$80,844, and to sign contracts for the fabrication and installation to carry out the design provided pursuant to the attached contract for a total project cost, including the attached contract, of \$500,000 as approved in the Public Art Plans on November 14, 2006, November 27, 2007, and January 20, 2009.

Representative Quintana commented.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Donald Leon Williams to the Complete Count Committee by Representative Emma Acosta, District 3.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Rafael Hernando, III to the Fair Housing Task Force by Representative Rachel Quintana, District 5.

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**4C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Lilia Ruiz to the International Bridge Commission by Representative Emma Acosta, District 3.

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**4D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Francesca Alonso to the Art Museum Advisory Board by Representative Carl L. Robinson, District 4.  
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**5A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Toter Incorporated, the sole source manufacturer and distributor of Toter replacement parts including replacement lids (9,240) for the Toter refuse/recycling carts. Total estimated amount is \$138,600.

Department: Environmental Services  
Account No.: 34010297 – 503122 - 40403  
Funding Source: Container Collections  
Total Estimated Award: \$138,600  
Reference No.: 2009-279

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**5B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to purchase a playground shelter from The Playwell Group Inc., a TASB BuyBoard contractor under Contract #269-07, for Hidden Valley Park as recommended by Purchasing, Engineering, and the Parks and Recreation Departments. Participation by the City of El Paso in the TASB BuyBoard was approved by Mayor and City Council on August 21, 2007.

Department: Engineering and Parks and Recreation  
Account No.: 71150069 – 508027 – 07885 – G7134CD0015  
Funding Source: Community Development Block Grant (CDBG)  
Total Estimated Award: \$75,400  
Reference No.: 2009-280

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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**5C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.**

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City’s option to extend current Contract 2008-204 (Mosquito Control Chemicals) with B & G Chemicals & Equipment Co. Inc. for one additional year pursuant to the provisions to an award approved by City Council on August 26, 2008. Contract period is August 26, 2009, to August 25, 2010.

Department: Environmental Services  
Account No.: 34010286 – 503126 - 40403  
Funding Source: Chemical Supplies  
Total Estimated Award: \$112,000 (Total for one year extension)  
Reference No.: 2008-204

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**6. BID**

Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-208 (Water Wagon) to Wagner Equipment Co. for a total award of \$359,500.

Department: Environmental Services

Award to: Wagner Equipment Co.  
El Paso, TX  
Items: 2A-1, 0-1, 0-2, 5-1  
Account No.: 34010289 – 508029 - 40403  
Funding Source: Heavy/Off Road Equipment  
Total Award: \$359,500

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award to the sole bidder.

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Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council meeting at 10:13 a.m. in order to convene the Mass Transit Department Board meeting.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council meeting at 11:22 a.m.

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**7A. – 7E. 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:

- 7A.** An Ordinance vacating a portion of Main Street, City of El Paso, El Paso County, Texas. Location: west of Oregon Street at Main Street.
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City Code by adding Westwind from Stardust Drive to Thunderbird Drive to Subsection E (Thirty Miles per Hour), and amending Subsection F (Thirty-Five Miles per Hour), Number 36 Westwind Drive, from Stardust Drive to Redd Road; the penalty being as provided in section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 7C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 Schedule XII (Restrictions on Parking in Residential Districts), Zone R (No Parking 7:00 a.m. to 2:00 p.m., School Days Only) of the El Paso City Code to require no parking from 8:00 a.m. to 5:00 p.m., school days only; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 7D.** 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 prohibit parking on Latta Street between Findley Avenue and Paisano East Drive, west side; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 7E.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XII - Restrictions on Parking in Residential Districts), Zone Q (No Parking 7:00 a.m. to 4:00 p.m., School Days Only) of the El Paso City Code by adding Bill Collins Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JULY 21, 2009, FOR ITEMS 7A – 7E**

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**8A.**

**ORDINANCE 17138**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00020 TO ALLOW BALLROOMS ON THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 1, JOHN T. HELLARD SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Robinson and Holguin commented.

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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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**8B.**

**ORDINANCE 17139**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: ALL OF TRACT 11, BLOCK 49, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F/H (RANCH AND FARM/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT/HISTORIC); AND, PARCEL 2: ALL OF TRACT 12-A-1, BLOCK 49, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

AYES: Representatives Lilly, Byrd, 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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**8C.**

**ORDINANCE 17140**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF DEPOT STREET, BLOCK 45, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS. LOCATION: WEST OF ZARAGOZA ROAD AND NORTH OF ALAMEDA AVENUE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Holguin 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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9.

**ORDINANCE 17141**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO AMEND CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT), SECTION 12.08.220 (IMPOUNDING VEHICLES), OF THE EL PASO CITY CODE BY ADDING SUBSECTION 12.08.220 A.21, AUTHORIZING A POLICE OFFICER TO IMPOUND A MOTOR VEHICLE STOPPED FOR A TRAFFIC LAW VIOLATION IF THE VEHICLE'S OWNER OR OPERATOR FAILS TO SHOW EVIDENCE OF FINANCIAL RESPONSIBILITY.**

Assistant Police Chief Eric Shelton presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Mr. John Batoon, Assistant City Attorney, gave legal advice.
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Richarda Momsen, Municipal Clerk
4. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

Mr. Fernando de la Moya, Mexican Consulate, commented.

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

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

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

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED AND READ INTO THE RECORD BY REPRESENTATIVE ACOSTA, TO INCLUDE TO INITIATE POLICE TRAINING ON THIS ORDINANCE AND THAT THE OFFICERS KNOW**

**TO ASK FOR THE FIVE OPTIONS OF FINANCIAL RESPONSIBILITY; FOR THE POLICE OFFICERS TO HAVE ACCESS AND TRAINING TO THE TEXAS SURE INSURANCE VERIFICATION PROGRAM; AND TO PROVIDE A GRACE PERIOD OF NO LESS THAN 90 DAYS TO WARN THE PUBLIC OF THE CHANGES COMING AND TO INFORM THEM OF THE FIVE OPTIONS OF FINANCIAL RESPONSIBILITIES.**

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, Quintana, Ortega, and O'Rourke  
NAYS: Representatives Robinson and Holguin

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

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**10.**

**ORDINANCE 17142**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY CONVEYING ALL RIGHT, TITLE AND INTEREST IN LOT 4, BLOCK 1; LOT 1, BLOCK 2, AND LOT 3, BLOCK 2, LAS QUINTAS, EL PASO COUNTY, TEXAS, TO MJ REAL PROPERTIES, INC. IN ACCORDANCE WITH SECTION 253.008, SUBSECTIONS (A) AND (B) OF THE TEXAS LOCAL GOVERNMENT CODE.**

Mayor Cook and Representative Byrd commented.

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

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, 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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TAKEN WITH ITEM 12

**11.**

**ORDINANCE 17143**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND THE COUNTY OF EL PASO WHICH WILL ALLOW FOR THE CITY OF EL PASO TO CONVEY PROPERTY COMMONLY KNOWN AS 211 AND 325 SHELTER PLACE, EL PASO, EL PASO COUNTY, TEXAS, INCLUDING THE IMPROVEMENTS THEREON, TO THE COUNTY OF EL PASO.**

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, 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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TAKEN WITH ITEM 11  
**12.**

**RESOLUTION**

**WHEREAS**, the City of El Paso (the "City") and the County of El Paso, Texas (the "County") had established a public health district known as the El Paso City-County Health and Environmental District and had entered into a Cooperative Agreement for its operation pursuant to the Texas Health and Safety Code; and

**WHEREAS**, on Dec. 18, 2001, the City and the County entered into an Interlocal Agreement for the construction of an Animal Control Facility for the El Paso City-County Health and Environmental District; and

**WHEREAS**, the Interlocal Agreement identified a procedure for the valuation and transfer of the real property and the Animal Control Facility should the City and the County terminate the Cooperative Agreement which created the El Paso City-County Health and Environmental District; and

**WHEREAS**, on Oct. 8, 2002, the City and the County amended the Interlocal Agreement to clarify that the Animal Control Facility would be constructed on Fred Wilson Road on real property owned by the City and that the constructed improvements would be jointly owned by the City and the County as tenants in common; and

**WHEREAS**, the Oct. 8, 2002 Amendment to the Interlocal Agreement, also clarified the percentage ownership interest of the City and the County in the constructed improvements; and

**WHEREAS**, effective Dec. 30, 2002, the City and the County amended the Interlocal Agreement to address the failure to begin construction on the identified Animal Control Facility at 5001 Fred Wilson Road; and

**WHEREAS**, on Dec. 31, 2007, the El Paso City-County Health and Environmental District ceased to exist, and City and the County are in agreement that the City will acquire all of the County's interest in the Animal Control Facility at 5001 Fred Wilson Road, pursuant to the terms and conditions of the Interlocal Agreement, and its amendments; and

**WHEREAS**, the City and the County are also in agreement that the mutual termination of the Interlocal Agreement and its amendments shall cancel any further obligation on the part of the City and the County under the Interlocal Agreement.

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

That the Mayor be authorized to sign a Mutual Termination and Release Agreement by and between the City of El Paso, Texas and the County of El Paso, Texas terminating the Dec. 18, 2001 Interlocal Agreement, as amended for the Construction of an Animal Control Facility for the El Paso City-County Health and Environmental District and permitting the City of El Paso to acquire all interests of the County of El Paso, Texas in the Animal Control Facility at 5001 Fred Wilson Road.

Representative Byrd commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

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

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13.

**RESOLUTION**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 (“ARRA”), enacted by the United States Congress and signed into law on February 17, 2009, provides for, among other things, investment in infrastructure throughout the United States; and,

**WHEREAS**, the Texas Water Development Board (the “Board”) is the Texas administrative agency charged with implementing ARRA funding of water projects within the State of Texas; and

**WHEREAS**, the City Council of the City of El Paso, Texas (the “City”), hereby finds and determines that there is a need to construct improvements and extensions to the City’s stormwater facilities, and such capital improvements cannot be reasonably financed without financial assistance from the Board; now, therefore,

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

**SECTION 1:** An application is hereby approved and authorized to be filed with the Board seeking financial assistance to finance the costs of constructing improvements and extensions to the City’s stormwater facilities in an amount not to exceed \$12,036,992 to provide for the costs of certain stormwater projects listed as eligible projects in the Clean Water State Revolving Fund Intended Use Plan approved by the Board on June 18, 2009.

**SECTION 2:** The President and Chief Executive Officer of the El Paso Water Utilities (“EPWU”), the Vice President of the EPWU, or the Chief Financial Officer of the EPWU, either one or more of them, shall be and are hereby designated to be the authorized representatives of the City for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Board.

**SECTION 3:** The following firms and individuals are hereby authorized and directed to aid and assist the City in the preparation and submission of such application and to appear on behalf of and represent the City before any hearing held by the Board on such application, to wit:

Financial Advisors: George Williford and Jason Hughes  
First Southwest Company  
325 North St. Paul, Suite 800  
Dallas, Texas 75201  
(214) 953-4000  
gwilliford@firstsw.com  
jhughes@firstsw.com

Consulting Engineers: Brown and Caldwell

Steve Morgan  
1200 Golden Key Cir., Suite 430  
El Paso, Texas 79925  
(915) 545-4400  
smorgan@brwncald.com

URS Corp.  
Rick French  
P.O. Box 201088  
Austin, Texas 78720  
(512) 419-5123  
rick\_french@urscorp.com

Moreno Cardenas Inc.  
Robert Moreno  
2505 E. Missouri Ave., Suite 100  
El Paso, Texas 79903  
(915) 532-2091  
rmoreno@morenocardenas.com

Bond Counsel:

Paul Braden  
Fulbright & Jaworski L.L.P.  
2200 Ross Ave., Suite 2800  
Dallas, Texas 75201  
El Paso Phone: (915) 351-6053  
[pbraden@fulbright.com](mailto:pbraden@fulbright.com)

**SECTION 4:** It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

**SECTION 5:** This Resolution shall be in force and effect from and after its passage on the date shown below.

**SECTION 6:** The Mayor and City Manager are hereby authorized to sign any and all documents required to further the application the subject of this Resolution.

Mr. Nick Costanzo, Vice President of the El Paso Water Utilities, and Mr. George Williford, Senior Vice President of First Southwest Company, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Robinson commented.

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

NOT PRESENT FOR THE VOTE: Representative Quintana

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TAKEN WITH ITEMS 14B AND 14C

**14A.**

**ORDINANCE 17144**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), OF THE EL PASO CITY CODE TO AMEND ARTICLES I, II, III, AND V TO**

**ESTABLISH REVISED REGULATIONS FOR SIGNS, TO ADD DEFINITIONS; TO ADD PROVISIONS TO LIMIT THE CONVERSION OF BILLBOARDS TO ELECTRONIC DISPLAYS; TO EXTEND THE SIGN REGULATION TO THE CITY'S EXTRATERRITORIAL JURISDICTION; TO PROHIBIT NEW BILLBOARD SIGNS, TO REMOVE THE EXEMPTIONS FOR GOVERNMENTAL ENTITIES, AND TO ESTABLISH APPEAL PROCEDURES. THE PENALTY IS AS PROVIDED IN SECTION 20.24 OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representatives Lilly, Robinson, Byrd, Holguin, Quintana,

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

Mr. VJ Smith, Clear Channel Outdoor Communications, and Ms. Yolanda Giner of Gordon Mott and Davis, representing Clear Channel Outdoor Communications, presented a PowerPoint presentation (on file in the City Clerk's office).

The following members of the public commented:

1. Mr. Dave O'Donnell, YESCO Outdoor Media
2. Mr. John Cervantes, Art Director for Clear Channel Outdoor Communications
3. Mr. Richard Dayoub, President and Chief Executive Officer of The Greater El Paso Chamber of Commerce
4. Ms. Marcia Turner
5. Mr. Larry Medina, former City Representative and County Commissioner
6. Ms. Deja Hackett
7. Mr. Douglas Echlin, Vice President of the Coronado Neighborhood Association
8. Mr. Stephan Sample
9. Mr. Steven Silver presented a PowerPoint presentation (on file in the City Clerk's office).
10. Ms. Yvonne Bucher
11. Mr. Charlie Wakeem
12. Mr. Larry Nance presented a PowerPoint presentation (on file in the City Clerk's office).
13. Mr. Alec Kissack
14. Ms. Angie White, Commission on City Plan Commission
15. Ms. Margaret Lloyd, Senior Texas Volunteer Board Member
16. Mr. David Palafox
17. Ms. Lois Balin
18. Mr. Patrick O'Donnell, YESCO Outdoor Media
19. Mr. Michael Churchman
20. Ms. Laurie Paternoster
21. Mr. Bill Burton
22. Mr. James Franklin
23. Mr. Mark Barnett
24. Ms. Anna Nazario
25. Ms. Irene Borunda
26. Mr. Kelly Duke
27. Ms. Ana Gonzalez, Communications and Marketing Director for the El Paso Hispanic Chamber of Commerce
28. Mr. Patrick Russell
29. Mr. William Isaac

30. Mr. Mike Dipp read a letter into the record from Sheriff Richard Wiles
31. Mr. Jim Paul
32. Mr. Mike Tantala, Engineer with Consulting Firm Tantala and Associates
33. Mr. Steve Power, Desert View Homes
34. Ms. Courtney Elam read a letter into the record from Ms. Sandra Braham, YWCA
35. Mr. Joe Lopez, Lopez Marketing
36. Mr. Oscar Leeser, Hyundia El Paso
37. Mr. John Eager
38. Mr. Javier Bolar
39. Mr. Mike Monz, Lamar Outdoor Advertising
40. Mr. Jim Payne, River Oaks Properties
41. Mr. Joe Vargas, employee of Clear Channel Outdoor Communications
42. Mr. Louis Salazar, employee of Clear Channel Outdoor Communications
43. Mr. Tim Anderson, employee of Clear Channel Outdoor Communications
44. Mr. Mark Benitez
45. Ms. Leslie Martinez, employee of Clear Channel Outdoor Communications
46. Ms. Eva Gonzalez, USO of El Paso Volunteer Coordinator

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 3:00 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

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

Motion made by Representative Lily, seconded by Representative Robinson, and unanimously carried to **ADJOURN** the Executive Session at 3:16 p.m. and **RECONVENE** the meeting of the City Council.

#### **3<sup>RD</sup> MOTION**

Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow the Mayor to set a time limit for members of the public to address the Council.

#### **4<sup>TH</sup> MOTION**

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

## 5<sup>TH</sup> MOTION

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS REVISED TO ADD A CAP OF THE NUMBER OF DIGITAL BILLBOARDS AT 15 AND TO ADD THAT THE CITY WILL NOT ADVERTISE ON ANY BILLBOARD**. 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, Ortega, and O'Rourke

NAYS: Representatives Robinson, Quintana, and Holguin

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

## 6<sup>TH</sup> MOTION

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

## 7<sup>TH</sup> AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS REVISED TO ADD A CAP OF THE NUMBER OF DIGITAL BILLBOARDS AT 15 AND TO ADD THAT THE CITY WILL NOT ADVERTISE ON ANY BILLBOARD AND THAT WITH THE FOLLOWING REVISIONS READ INTO THE RECORD BY MR. MATTHEW MCELROY BE INCORPORATED:**

### 20.18.020 Applicability

B. Regulatory Scope. This chapter applies to all signs, as defined herein, which are located on private property within the jurisdictional area of this chapter; this chapter also applies to land owned by a public entity other than the City, when the City has had land use regulatory authority over such land. This chapter applies to signs on City property or the public right-of-way,; except as modified by Title 13 and/or Chapter 15.08.

### 20.18.510 Noncommercial Signs and Message Substitution

As to private party signs on City property and/or the public right-of-way, this message substitution policy applies only when such property is in the legal category of "traditional public forum" (surface of City streets, surface of public sidewalks which are connected to the main pedestrian circulation system of the City, public parks, and the external area immediately surrounding City hall.

### 20.18.280 Relocation of Certain Billboards for a City Public Works Project or City or State Roadway Improvement Project

And, the first sentence of the paragraph is revised to read as:

Legal and non-conforming billboards located on or overhanging a parcel of land acquired by the City or State for a City Public Works Project or roadway improvement or expansion project may be relocated subject to special permit application approval by City Council.

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, Ortega, and O'Rourke

NAYS: Representatives Robinson, Quintana, and Holguin

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

.....  
TAKEN WITH ITEMS 14A AND 14C  
**14B.**

**ORDINANCE 17145**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), ARTICLE II (DEFINITIONS), OF THE EL PASO CITY CODE TO REVISE ALL THE DEFINITIONS RELATED TO SIGNS. THE PENALTY IS AS PROVIDED IN SECTION 20.24 OF THE EL PASO CITY CODE.**

Representatives Quintana and Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning, commented.

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, Ortega, and O'Rourke
- NAYS: Representative Holguin
- ABSTAIN: 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**.

.....  
TAKEN WITH ITEMS 14A AND 14B  
**14C.**

**ORDINANCE 17146**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C (EXCEPTIONS), OF THE EL PASO CITY CODE TO ADD AN EXCEPTION FOR CERTAIN SIGNS ON THE CITY'S PARKWAY. THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.**

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, Quintana, Ortega, and O'Rourke
- NAYS: Representative Holguin

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

**ADDITION TO THE AGENDA**

1.

**RESOLUTION**

**WHEREAS**, the Governors of the States of Texas, New Mexico and Colorado have agreed to work together to secure a \$5 million dollar grant from the Federal Railroad administration under the Passenger Rail Investment and Improvement Act of 2008 to study the viability of the El Paso Denver High-Speed Rail Corridor;

**WHEREAS**, the City Council has long recognized that need for more modern, efficient and environmentally friendly modes of transportation for the region and has identified the transportation as a major priority;

**WHEREAS**, the City of El Paso has long been interested in establishing a light rail system across the international border with Mexico and City Council believes that the proposed grant and subsequent study affords a valuable opportunity to work with stakeholders to achieve the goal;

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

The City of El Paso fully supports the efforts of Governor Rick Perry of Texas, Governor Bill Richardson of New Mexico and Governor Bill Ritter of Colorado to secure a \$5 million dollar grant from the Federal Railroad Administration under the Passenger Rail Investment and Improvement Act of 2008 to study the viability of the El Paso Denver High-Speed Rail Corridor; requests that the proposed study be expanded to include the viability of extending the system into Mexico; and hereby amends the City of El Paso Federal Legislative Agenda to add the high speed rail project as a priority item.

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

.....  
**ADDITION TO THE AGENDA**

**EX1.** Petition of El Paso Electric Company for authority to decrease fuel factor before the Public Utility Commission of Texas, Docket No. 37086. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **GRANT THE AUTHORITY** to the City Attorney to settle, negotiate settlement agreement and sign all documents on behalf of the City of El Paso to resolve the Petition of El Paso Electric Company for Authority to Decrease Fuel Factor before the Public Utility Commission of Texas, Docket No. 37086.

Mr. Norman Gordon, outside counsel, gave legal advice.

.....  
Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 6:51 p.m.

.....  
**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk