

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JULY 26, 2005  
9:00 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, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. The invocation was given by Reverend Lisle H. Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

1. HONORARY CITIZENS
2. AMERICANS WITH DISABILITIES ACT

Representative Castro thanked, welcomed and read into the record the names of foreign military students from the countries of Egypt, Israel, Jordan, Pakistan, Singapore, Australia, and Taiwan.

The following members of the public commented on the Americans with Disabilities Act Proclamation:

1. Mr. Frank Lozano
2. Dr. Thomas Carter
3. Mr. Luis Chew

**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 [www.cityclerks@elpasotexas.gov](mailto:www.cityclerks@elpasotexas.gov) 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. Ray E. Gilbert, Jr. spoke on the recently approved El Paso Electric Company franchise and rate freeze.
2. Ms. Alexis Willis spoke on relocating the El Paso Zoo elephants to an elephant sanctuary in Tennessee.
3. Mr. Walt Phillips spoke on the following two issues: Non-Profits and Youth in Government.

Representative Steve Ortega requested that a "Discussion and Action" item be placed on the August 2, 2005 City Council Agenda regarding Mr. Phillips' "Youth in Government" suggestion.

Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RECESS** the City Council meeting at 9:35 a.m. for the Mass Transit Department Board meeting.

Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to **RECONVENE** the City Council meeting at 9:53 a.m. from the Mass Transit Department Board meeting.

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega 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 {\*}).

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of July 19, 2005 and the Special City Council Meetings of July 14 and 15, 2005 (Budget Hearings) and July 18, 2005 (Agenda Review).

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

**\*RESOLUTION**

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

That the Mayor be authorized to purchase from PVT America, the VISUM/VISSIM license for the Metropolitan Planning Organization (MPO), for which the El Paso MPO will pay a yearly maintenance fee of \$26,560.00 for each year the model is used, and that the MPO Director be authorized to sign any necessary documents associated with the license, provided that such documents do not require additional expenditure of funds above the \$26,560.00 yearly maintenance fee approved herein.

**\*RESOLUTION**

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

That the Mayor be authorized to sign an Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the New Mexico Department of Transportation (NMDOT) for the development and construction of a Regional Traffic Forecast Model. Total cost of the project is \$67,900.00 of which \$64,900.00 will be paid for by NMDOT and \$3,000.00 will be paid for by the MPO.

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Combined Declaration of Use/Application for Renewal for the Gus & Goldie & Design registration with the United States Patent and Trademark Office.

**\*RESOLUTION**

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

That the City Manager be authorized to sign the Donation Agreement between the City of El Paso, on behalf of the Parks and Recreation Department, and Playground Connection, regarding the donation of specially designed barrier-free and developmentally advantageous playground where children with physical, sensory and developmental disabilities can play with siblings, friends and peers without disabilities, which will be utilized at Vista Del Valle Park. The value of the playground is estimated to be \$250,000.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

- A. Vanarsdall, Chandra – Public Safety Dispatch Shift Supervisor
- B. Yadouga, Robert – Public Safety Dispatcher

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the Staffing Table Change for Purchasing

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

Delete	1.00	Secretary III	GS 19
Add	1.00	Administrative Assistant	GS 23

Fund Source: 07010021-501000-07000

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **RE-APPOINT** Miguel Grijalva to the Community Development Steering Committee by Representative Steve Ortega, District 7.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPOINT** Frederic Dalbin to the Building and Standards Commission by Mayor John F. Cook.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** budget transfer BT2005-1327 PARKS AND RECREATION

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

This budget transfer recognizes the revenue from a grant made by the Skyline Optimist Club for the Girl's Fastpitch Softball Program at Acosta Sports and appropriates money to pay independent contractors.

Increase	\$5,100	to	51010215/P50020216302/406002	LocalGrntProc
Increase	\$5,100	to	51010215/P50020216302/502215	ContractsNOC

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Fiesta De Las Flores to hold a parade on August 27, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start at Alright Parking on the corner of N. Campbell and E. Franklin, continue on N. Campbell to E. Main, turn right on E. Main to S. Oregon, turn left on S. Oregon to S. El Paso, turn right on S. El Paso to E. San Antonio, turn left on E. San Antonio to N. Campbell, turn left on N. Campbell and finish at Alright Parking on the corner of N. Campbell and E. Franklin. Approximately 300 persons, 50 vehicles will take part and 1,000 spectators are anticipated. This request includes permission to use amplification (10 microphones and 10 speakers). PERMIT # 05-088 [Rudy Hernandez]

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Roberto Contreras to block off Alicia Arzola between 12560 and 12572 on July 31, 2005 from 12:00 p.m. to 8:30 p.m. for a block party. Approximately 40 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-091 [Roberto Contreras]

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request of Parks and Recreation to use amplification (12 microphones, 6 amplifiers and 8 speakers) at Eastwood Park – 3001 Parkwood St. on July 31, 2005 and August 7, 2005 from 6:00 p.m. to 9:30 p.m. for outdoor concerts. Approximately 10 persons will take part and 1,000 spectators are anticipated. PERMIT # 05-093 [Enrique Valadez]

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

Motion made by Representative Byrd, seconded by Representative O'Rourke 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:

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

- A. An Ordinance authorizing the Mayor to sign a lease agreement between the City of El Paso and Skyline Optimist Club for the continued development of park and recreational facilities as well as services at the Skyline Youth Park, located at 5050 Yvette Avenue, El Paso, Texas for the term of ten (10) years, with renewal options.
- B. 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 El Paso City Council in 1999, and as subsequently amended, to delete the proposed Stanton Street extension between Arterial 1 and its existing termination point near Excalibur.

**PUBLIC HEARING WILL BE HELD ON AUGUST 9, 2005 FOR ITEMS A - B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **POSTPONE TWELVE (12) WEEKS** the discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing.

Representative Presi Ortega was not present for the vote.

Mayor John Cook and Representatives Lozano and Steve Ortega commented.

The following City staff members commented:

1. Mr. George Sarmiento, Director of Planning, Research and Development
2. Ms. Joyce Wilson, City Manager

Mr. Richard Schecter, citizen, commented.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** an Ordinance amending Ordinance No. 012539, an Ordinance Granting a Franchise to El Paso Electric Company and Waiving Application Process, to extend the term of the Franchise through August 31, 2005.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** a Public Hearing pursuant to the Texas Parks & Wildlife Code to receive and consider clearly enunciated local preferences regarding the project known as the Pico Norte Park Elevated Reservoir Water Tank. The City Council is asked to find that (1) there is no feasible and prudent alternative to the use or taking of the 0.4 acre land site; and, (2) the project includes all reasonable planning to minimize harm to the land from the taking. Based on this finding, the City Council will be asked to approve going forward with the project.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

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**ORDINANCE 16098**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF EL PASO AND ALTA VISTA OPTIMIST CLUB OF EL PASO, TEXAS, FOR THE CONTINUED DEVELOPMENT OF PARK AND RECREATIONAL SERVICES AT THE ALTA VISTA PARK, LOCATED AT COPIA STREET AND MORENCI ROAD, EL PASO, TEXAS, FOR A TERM OF TEN (10) YEARS, WITH RENEWAL OPTIONS.**

Mayor Cook and Representative Byrd commented.

Dr. Norman Merrifield, Director of Parks and Recreation, commented.

The Alternate City Clerk called for public comment. There was no public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Member Presi Ortega, Jr.

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

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN, FOR A PORTION OF LOT 1, BLOCK 4, WEST TEN DEVELOPMENT, EL PASO, EL PASO COUNTY, TEXAS (7430 REMCON CIRCLE), PURSUANT TO A SPECIAL CONTRACT CONDITION IMPOSED BY ORDINANCE NO. 7982. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**WHEREAS, REMCON MEDICAL CENTER, L.P.**, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a special contract condition, to permit the construction and development of a medical office complex; and

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

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

**WHEREAS**, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

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

1. Pursuant to requirements imposed by a special contract condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a medical office complex on the following described property which is located in a C-3/sc (Commercial/special contract) District:

*A portion of Lot 1, Block 4, West Ten Development, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally numbered 7430 Remcon Circle.*

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 "B" and incorporated herein by reference.

2. 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-3/sc (Commercial/special contract) District** regulations.

3. 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-3/sc (Commercial/special contract)**. 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.

4. 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.

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

Representatives Byrd and Presi Ortega, Jr. were not present for the vote.

The Alternate City Clerk called for public comment. There was no public comment.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the request and answered questions from and responded to comments made by the Council Members.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following Ordinance:

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

**ORDINANCE 16099**

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 EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED (WITHIN SPECIFIC 4 PARCELS RECENTLY SOLD IN PUBLIC SERVICE BOARD NORTHEAST MASTER PLAN).**

Mayor John Cook and Representatives Steve Ortega and Castro commented.

Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation on the proposed changes to the 2025 Proposed Thoroughfare System.  
(presentation on file in the City Clerk's Office)

Mr. Joel Bay, President of the North Hills Pride Neighborhood Association, commented.

The Alternate City Clerk called for further public comment. There was no further public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None

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

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the following Ordinance:

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

**ORDINANCE 16100**

The City Clerk read an Ordinance entitled: **AN ORDINANCE INCORPORATING APPLICABLE PORTIONS OF THE EL PASO WATER UTILITIES' PUBLIC SERVICE BOARD NORTHEAST MASTER PLAN AS A SPECIFIC STUDY AREA PLAN INTO THE CITY'S COMPREHENSIVE PLAN, THE PLAN FOR EL PASO, AND WHICH PLAN SHALL AMEND THE PLAN FOR EL PASO AND THE YEAR 2025 GENERAL LAND USE MAP INCORPORATED THEREIN.**

Mayor John Cook requested Council Members move to suspend the Rules of Order for purposes of allowing members of the public the opportunity to speak. Mayor noted that each speaker would be allotted three minutes to address the Council and added that members of the public could email their comments to the Council.

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

Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow members who had not signed up by 9:00 a.m. to speak.

Mayor John Cook and Representatives Steve Ortega, Castro, Byrd, O'Rourke, Lilly, and Lozano commented.

The following City staff members commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation on the proposed changes to the 2025 Proposed Thoroughfare System. (presentation on file in the City Clerk's Office)
2. Mr. Nick Costanzo, Assistant General Manager, El Paso Water Utilities Public Service Board
3. Dr. Norman Merrifield, Director of Parks and Recreation
4. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services
5. Ms. Wilson, City Manager
6. Mr. Matt Watson, Assistant City Attorney

The following members of the public commented:

1. Mr. Joel Bay, President of the North Hills Pride Neighborhood Association
2. Mr. Clifford Ellis
3. Mr. Bill Addington, representing the El Paso Sierra Club Group
4. Mr. Richard Schechter
5. Ms. Lois Balen, Urban Wildlife Biologist, Texas Parks and Wildlife

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

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried to **ALLOW** Mr. Bay additional time to speak.

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

Motion made by Representative Castro, seconded by Representative Lozano and unanimously carried to **EXTEND TWO ADDITIONAL MINUTES** to Mr. Ellis.

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

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER TO ALLOW AN ADDITIONAL MINUTE** to Mr. Addington.

**5<sup>TH</sup> MOTION:**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER TO ALLOW ADDITIONAL TIME** to Ms. Balen.

The Alternate City Clerk called for further public comment. There was no further public comment.

**6<sup>TH</sup> AND FINAL MOTION:**

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

AYES:	Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke	Absent:	None
NAYS:	None		

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

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance granting Special Permit No. ZON05-00038, to allow for a parking reduction on the property described as Lots 1 through 5 and a portion of Lot 6, Block 106 ½, Highland Park Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Plaza Properties. ZON05-00038

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.  
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**ORDINANCE 16101**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 7, REPLAT OF A PORTION OF ARCADIA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request.

The Alternate City Clerk called for public comment. There was no public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Castro and Presi Ortega, Jr.

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

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**ORDINANCE 16102**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 4, BLOCK 290, VISTA DEL SOL UNIT EIGHTY, EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request.

The Alternate City Clerk called for public comment. There was no public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Member Presi Ortega, Jr.

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

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**ORDINANCE 16103**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 3, TRANSMOUNTAIN COMMERCIAL PARK UNIT THREE, EL PASO, EL PASO COUNTY, TEXAS FROM C-4/C (COMMERCIAL/CONDITION) TO R-3/C (RESIDENTIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mayor John Cook and Representatives Steve Ortega, Lozano, Byrd, Lilly and O'Rourke commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members and Mr. Schecter.
2. Ms. Joyce Wilson, City Manager, clarified for the record that the City either asks for land, associated with the development, or monies in lieu of land when it is unclear where the park is to be located for the area. She added that those monies are in set aside in a Park Zone fund for the affected area.
3. Mr. Charlie McNabb, City Attorney

Mr. Richard Schecter, citizen, commented.

The Alternate City Clerk called for further public comment. There was no further public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke  
 NAYS: None Absent: None  
 NOT PRESENT FOR THE VOTE: Council Member Presi Ortega, Jr.

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

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 \*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance granting a Special Privilege to Great Vibe, L.L.C. permitting the encroachment of a sidewalk café onto a portion of public right-of-way located at 209 South El Paso Street. (Annual Fee: \$300.00, SP-05014)

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.  
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**ORDINANCE 16104**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF A TEN-FOOT DRAINAGE EASEMENT LOCATED WITHIN A PORTION OF LOT 3, BLOCK 10, RIVER PARK WEST UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS AND A PORTION OF A TEN-FOOT DRAINAGE EASEMENT LOCATED WITHIN A PORTION OF LOT 4, BLOCK 10, RIVER PARK WEST UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval. He added that there was no opposition to the request and answered questions from and responded to comments made by the Council Members.

Mr. Richard Schecter, citizen, commented.

The Alternate City Clerk called for further public comment. There was no further public comment.

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

AYES: Council Members Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Member Presi Ortega, Jr.

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

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DELETE** City Manager's report of current events and issues.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

Litigation against Asarco to collect the costs of remediating properties in and around the El Paso metals site. (551.071)

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

ASARCO Particulate Reduction Contract. (551.071)

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

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\*Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE ONE (1) WEEK** the following Executive Session item:

In the Matter of a Court of Inquiry Cecilio Soto, Cause No. 20040D01555 (551.071)

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.  
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Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:10 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

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

Discussion and action on the following:

- A. Discussion and Action on Hernando Chavira; Docket No. 03-BP-12JO. (551.071)
- B. *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34<sup>th</sup> District Court. (551.071)

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** at approximately 12:57 p.m. and **RECONVENE** the **MEETING OF THE CITY COUNCIL**, during which time motions were made.

Representative Presi Ortega, Jr. was not present for the vote.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and carried that the City Attorney **BE AUTHORIZED SETTLEMENT AUTHORITY in the matter entitled Hernando Chavira; Civil Service Docket No. 03-BP-12JO** as recommended by the City Attorney's Office and that the City Manager and/or City Attorney be authorized to execute any appropriate documents to effectuate that authority.

Representative Presi Ortega, Jr. was not present for the vote.

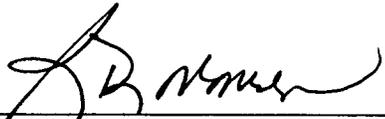
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Motion made by Representative O'Rourke, seconded by Representative Lozano and carried to authorize the City Attorney's Office and Mr. Steve Blanco, outside counsel assigned by the Insurance Company to defend the matter of *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34<sup>th</sup> District Court, **TO CONSIDER AND PURSUE POTENTIAL SETTLEMENT OPTIONS** in the matter with no final action taken until those options have been discussed with Council Members.

Representative Presi Ortega, Jr. was not present for the vote.

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Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **ADJOURN** this meeting at 1:01 p.m.

Representative Presi Ortega, Jr. was not present for the vote.

APPROVED AS TO CONTENT:

  
Richarda Duffy Momsen, City Clerk