

JOHN F. COOK  
MAYOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON  
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JULY 29, 2008  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:38 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:39 a.m. during Executive Session deliberations, and Eddie Holguin, Jr. at 8:57 a.m. during Executive Session deliberations. Early departure: Eddie Holguin, Jr. at 12:32 p.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**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. Jerry Thiedt
2. Mr. Walt Phillips

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

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

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Quintana, and O'Rourke

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**EX1.** City of San Antonio, Texas, et al (including City of El Paso, Texas) v. Hotels.Com, L.P.; et al; Cause No. SA06CA0381 OG. (551.071)

**NO ACTION** was taken on the item.

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**EX2.** Deborah N. Lopez v. City of El Paso, Cause No. 2007-699. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand in the lawsuit styled Deborah N. Lopez v. City of El Paso.; Cause No. 2007-699.

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative 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 {\*}).

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

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 22, 2008, and the Special City Council Meeting Minutes of July 16, 2008, July 17, 2008, July 18, 2008, and July 22, 2008 (Budget Hearings).

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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 execute a State Use Contract between the City of El Paso, TIBH, Inc., and Border Tm Industries, Inc. for specified grounds maintenance services at the El Paso International Airport for a term of three years; and that it is in the best interest of the City for this grounds maintenance service function to be performed through contract.

Representatives Acosta and Ortega commented.

Mr. Pat Abeln, Director of Aviation, commented.

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**3B.**

**\*RESOLUTION**

That the Mayor be authorized to sign an "Other Transaction Agreement" by and between the City of El Paso and the Department of Homeland Security - Transportation Security Administration regarding the placement of closed circuit television cameras at the El Paso International Airport.

Representative Acosta commented.

Mr. Pat Abeln, Director of Aviation, commented.

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**3C.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso operates City Cable 15, a governmental access channel;

**WHEREAS**, the City Council desires to make available certain designated hours for public access programming on City Cable 15 on a fair and equitable, first come, first served, non-commercial, non-exclusive and content-neutral basis and the City Manager has administratively approved Public Access Programs City Cable 15 Program Guidelines;

**WHEREAS**, the Texas Elections Code prohibits the expenditure of public funds for political advertising;

**WHEREAS**, in order to remain content-neutral and avoid the use of public funds for political advertising, it is necessary to establish an Administrative Fee to be paid by every producer desiring to air a public access program;

**WHEREAS**, the City Manager recommends the establishment of an Administrative Fee for each one hour public access program aired on City Cable 15 to pay for the City's staff and use of equipment and facilities in the cable casting of each program;

**WHEREAS**, Council finds that the recommended Administrative Fee as set forth below is appropriate and necessary and should be adopted as official City policy; and

**WHEREAS**, Council finds that the Administrative Fee constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to utilize City resources and provide services in order to support the mission of City Cable 15 to provide an outlet for freedom of expression through public access programming for members of the El Paso community.

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

**THAT** the Administrative Fee of \$20 to be paid by each public access program producer for each one-hour program aired on City Cable 15 is hereby adopted and may be amended from time to time as provided in the City's annual budget resolution.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.
3. Ms. Juliet Lozano, Communications and Public Affairs Manager

Mr. Walt Phillips, citizen, commented.

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**3D1.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as an upgrade to current design standards of traffic signals at 15 locations to provide for traffic flow improvements.

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**3D2.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the installation of video surveillance and count stations for alternate routes citywide.

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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 at 1220 Golden Key Circle; and

**WHEREAS**, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso City 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 per average day, nor more than 500 vehicles per hour for any consecutive three hours of an average day; 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 offset angle parking spaces on the north side of Gazelle Drive at the address of 1220 Golden Key Circle. 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.

Representatives Acosta and Byrd commented.

Mr. Alan Shubert, City Engineer, and Mr. Ted Marquez, Engineering Division Manager, commented.

**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 Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution.

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**3F.**

**\*RESOLUTION**

**WHEREAS**, the Rio Grande Council of Governments (the "RGCOG") is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the RGCOG's adopted regional solid waste management plan; and

**WHEREAS**, the City of El Paso in the State of Texas is qualified to apply for grant funds under the Request for Applications.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO IN EL PASO, TEXAS;**

1. That Joyce A. Wilson, City Manager, is authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the City of El Paso, Texas in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the City of El Paso, Texas will comply with the grant requirements of the Rio Grande Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds to be requested, totaling \$42,200 and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. That the activities to be performed under the grant will comply with and support the regional and local solid waste management plans adopted for the geographical area, and that those activities will include the overseeing of the community tool shed program, coordination of four major cleanups, educational presentations regarding the impact of illegal dumping and recycling to be offered at schools, neighborhood associations, and various local organizations encouraging community pride, and partnerships with private and public entities to assist the disabled and seniors who are unable to maintain their yards.

Representatives Castro and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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**3G.**

**\*RESOLUTION**

**WHEREAS**, the Rio Grande Council of Governments (the "RGCOG") is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the RGCOG's adopted regional solid waste management plan; and

**WHEREAS**, the City of El Paso in the State of Texas is qualified to apply for grant funds under the Request for Applications.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO IN EL PASO, TEXAS;**

1. That Joyce A. Wilson, City Manager, is authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and designate Ellen A. Smyth, P.E., Environmental Services Director to act on behalf of the City of El Paso, Texas in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the City of El Paso, Texas will comply with the grant requirements of the Rio Grande Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds to be requested, totaling \$38,000 and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant. One item to be funded shall be the production of an eight to ten minute bilingual informative and educational video showing the devastating impact of illegal dumping. The second item to be funded shall be an eight to ten minute bilingual informative and educational video showing the life cycle of a recyclable item to demonstrate how that one item influences consumers' manufacturing and purchasing decisions.
5. That the activities to be performed under the grant will comply with and support the regional and local solid waste management plans adopted for the geographical area, and that those activities will include the production of the illegal dumping video, to be shown at schools, neighborhood associations, community centers, and to the various local builders associations; and production of the "day in the life of a recycled item" video, to be shown at schools, neighborhood associations, community centers, and "streamed" on the websites of the City of El Paso, Keep El Paso Beautiful, and www.elpasorecycle.com.

Representatives Castro and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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**3H.**

**\*RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2008-117 to Green Scene Inc. on June 10, 2008, for Grounds Maintenance- City Medians; and

**WHEREAS**, the City Council terminates said Contract for default pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C, Clause 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Green Scene Inc. that the City is terminating Contract No. 2008-117 pursuant to the provisions and requirements of Section C, Clause 8B of the Contract Clauses due to default and that the termination shall be effective as of July 29, 2008.

Representative Ortega commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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3I.

**\*RESOLUTION**

That the Mayor be authorized to sign the Interlocal Agreement between the County and City of El Paso to submit a joint application to the Department of Justice – 2008 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$100,073.00. The funds received under the JAG program will be allocated 50% to the County and 50% to the City. The City grant funds will be utilized to continue updating its radio system to P25 compliance and in the process transition from an analog system to a digital one. P 25 are standards for digital radio communications for use by federal, state/province and local public safety agencies that enables them to communicate with other agencies and mutual aid response teams in emergencies. That the City Manager or her designee be authorized to sign any grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match required.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Wendt to the El Paso County 911 District Board of Managers by Mayor John F. Cook.

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**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Philipp G. Dieter to the Construction Board of Appeals by Representative Steve Ortega, District 7.

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**4C. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Susanna Visconti to the Art Museum Advisory Board by Representative Steve Ortega, District 7.

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ruben Chavez to the Historic Landmark Commission by Representative Emma Acosta, District 3.

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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Hector F. Arellano to the Community Development Steering Committee by Representative Steve Ortega, District 7.

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**6. 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, Inc., under the Texas Procurement and Support Services (TPASS) Term Contract 450-A2 for Garbage/Refuse Carts. Total estimated expenditures are \$109,908.96

Department: Environmental Services  
Account No.: 34010289 – 508009 – 40403  
Funding Source: Environmental Services  
Total Estimated Award: \$109,908.96

Reference No.: 2008-227

Representatives Acosta and Ortega commented.

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

**7. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-169 (Janitorial Services - Chalio Acosta-Delta and Pavo Real Recreation Centers) to Carefree Janitorial Services, for a total estimated award of \$190,288.

Department: Parks and Recreation  
Award to: Carefree Janitorial Services  
El Paso, TX  
Items: All

Annual Estimated Amount: Chalio Acosta Recreation Center  
1<sup>st</sup> Year \$33,280  
2<sup>nd</sup> Year \$36,072  
3<sup>rd</sup> Year \$36,072  
Option: 2 Years  
Total Estimated Award: \$105,424

Annual Estimated Amount: Pavo Real Recreation Center  
1<sup>st</sup> Year \$26,784  
2<sup>nd</sup> Year \$29,040  
3<sup>rd</sup> Year \$29,040  
Option: 2 Years  
Total Estimated Award: \$84,864

Account No.: 51010256 – 502206 – 01101  
Funding Source: Operating Funds, Janitorial Service  
Maintenance Contracts  
Total Estimated Award: \$190,288

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated, to the vendor offering the best value bid.

**8. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-149 (Uniforms) to Bazaar Uniforms & Men’s Store, LLC; Mission Linen Supply; Orient Arts, Inc. d/b/a The Unisource Company; Promotional Designs, Inc.; R4 Industries, Inc.; and Uniforms of Texas for a total estimated award of \$267,811.50.

Department: Environmental Services  
Award to: Vendor 1: Bazaar Uniforms & Men’s Store, LLC  
El Paso, TX  
Items: 5, 6, 9, 10, and 11  
Option: 1 Year

Annual Estimated Amount: \$41,794.70

Award to: Vendor 2: Mission Linen Supply  
El Paso, TX

Items: 1, 12, 13, and 14  
Annual Estimated Amount: \$22,801

Award to: Vendor 3: Orient Arts, Inc. d/b/a The Unisource  
Company  
Carlstadt, NJ

Items: 2  
Annual Estimated Amount: \$1,080

Award to: Vendor 4: Promotional Designs, Inc.  
Green Bay, WI

Items: 8  
Annual Estimated Amount: \$1,079.70

Award to: Vendor 5: R4 Industries, Inc.  
Arlington, TX

Items: 3, 15, 17, and 18  
Option: 1 Year  
Annual Estimated Amount: \$16,006.60

Award to: Vendor 6: Uniforms of Texas  
El Paso, TX

Items: 4 and 16  
Option: 1 Year  
Annual Estimated Amount: \$6,508.50

Account Nos.: 34010286 – 503120 - 503123 – 40403  
34010289 – 503120 - 503123 – 40403  
34010291 – 503120 - 503123 – 40403  
34010292 – 503120 - 503123 – 40403  
34010293 – 503120 - 503123 – 40403  
34010294 – 503120 - 503123 – 40403  
34010296 – 503120 - 503123 – 40403

Funding Source: Code Enforcement-Administrative/Safety-  
Collections-Fleet-Air Quality-Special  
Collections-Landfill

Annual Estimated Award: \$89,270.50

Total Estimated Award: \$267,811.50

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

The cost under this requirement contract is only an estimated value. The actual cost of this contract may be higher or lower than the total estimated 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 Environmental Services recommend award as indicated to the lowest responsive, responsible bidders.

Representatives Acosta and Quintana commented.

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

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**9. INTRODUCTIONS**

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.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.160 (Parking in Alleys) of the El Paso City Code, to allow parking in all alleys. The penalty being as provided in Section 12.44.160(C) of the El Paso City Code.
- B. An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and the Ysleta Independent School District, for the lease of a 7.8662 acre portion of Blackie Chesher Park, for a term of ninety-nine years.
- C. An Ordinance to amend Title 12 (Vehicles & Traffic), Chapter 12.54 (Towing Regulations and Fees) to amend Section 12.54.010 (Definitions) to add a definition for police ordered tow; Section 12.54.040 (Penalty) to clarify the application of the penalty; and to add Section 12.54.060 (Fee for Police Ordered Towing Services); the penalty being as provided in Sections 12.54.040 and 12.84.010 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2008, FOR ITEMS 7A – 7C**

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**10A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the public hearing on 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.

10B.

ORDINANCE 16945

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE EL PASO CITY CODE BY ADDING TITLE 21, SMART CODE, TO ESTABLISH THE SMART CODE REGULATIONS, TO CREATE SMART CODE USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN, REGULATE WITHIN SUCH DISTRICTS THE HEIGHT, SCALE, LOCATION AND USE OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS AND SETBACKS, CIVIC SPACES, USE OF LAND FOR COMMERCIAL, INDUSTRY, RESIDENCE AND OTHER PURPOSES; REGULATE THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES; DEFINE CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; SPECIFY REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDE FOR DEVELOPMENT STANDARDS FOR ALL USES; PROVIDE FOR REGULATIONS REGARDING SIGNAGE; PROVIDE FOR PROCEDURES FOR SMART CODE ZONING AND DEVELOPMENT; PROVIDE FOR WARRANTS AND VARIANCES; PROVIDE FOR INCENTIVES; PROVIDE FOR ENFORCEMENT INCLUDING PENALTIES OF A FINE NOT TO EXCEED \$2,000 OR CIVIL PENALTY NOT TO EXCEED \$500 FOR EACH AND EVERY OFFENSE; PROVIDE FOR INJUNCTIVE RELIEF; AND PROVIDE FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND A HEARING.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Neal, City Manager's Office
3. Mr. Chuck Kooshian, Development Services Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).
4. Assistant Fire Chief Manuel Chavira
5. Ms. Kimberly Forsyth, Engineering Senior Planner

The following member of the public commented:

1. Mr. Terry Bilderback, Chair of the El Paso Greater Chamber of Commerce
2. Mr. David Chavez, citizen

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

Motion made by Representative Castro, seconded by Representative Acosta, that 50% of all application or filing fees should be waived for applicants under this code. **THE MOTION FAILED.**

AYES: Representatives Acosta, Castro, Quintana, and Holguin

NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

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

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

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

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 10:42 a.m. and **RECONVENE** the meeting of the City Council.

**4<sup>TH</sup> AND FINAL MOTION**

Motion duly made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED, AS REVISED**, and to revisit the fees within 24 months. 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 Castro 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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ITEMS TAKEN TOGETHER:

**10C. – 10I PUBLIC HEARINGS – DEVELOPMENT SERVICES**

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:45 a.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 Quintana, seconded by Representative Castro, and unanimously carried to **ADJOURN** the Executive Session at 11:00 a.m. and **RECONVENE** the meeting of the City Council.

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

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

**10C. & 10D**

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

Motion made by Representative Acosta, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the public hearings on an Ordinance changing the zoning of Lot 3, Block 1, Farah Subdivision, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). the penalty is as provided for in chapter 20.24 of the El Paso City Code and on an Ordinance changing the zoning of a portion of Tract 4A-31A, Block 2, Ascarate grant, City of El Paso, El Paso County, Texas, from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in chapter 20.24 of the El Paso City Code.

Mayor Cook and Representatives Byrd and Acosta commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

The following member of the public commented:

- 1. Mr. Bill Hammer, representing Simon Properties
- 2. Ms. Sylvia Stuckey
- 3. Mr. Pete Sell, Regency Centers

10E.

**ORDINANCE 16946**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 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).

Representatives Quintana, O'Rourke, and Byrd commented.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice and Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Conrad Conde, representing the applicant, commented.

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

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

AYES: Representatives Lilly, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Byrd

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

10F.

**ORDINANCE 16947**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS PARCEL 1: A PORTION OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-F (RANCH AND FARM) TO C-3/C (COMMERCIAL/CONDITION) AND IMPOSING CONDITIONS; AND PARCEL 2: A PORTION OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED TO R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 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).

Representatives Byrd and Castro commented.

Mr. Conrad Conde, representing the applicant, commented.

**6<sup>TH</sup> MOTION**

Motion duly made by Representative Castro, 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, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: Representative Byrd

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

**10G.**

**ORDINANCE 16948**

The City Clerk read an Ordinance entitled: **An Ordinance changing the zoning OF THE FOLLOWING REAL PROPERTY DESCRIBED AS PARCEL 1: A PORTION OF TRACTS 8, 9A, 9B1, AND 9C, LAURA E. MUNDY SURVEY NO. 238, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS; AND, PARCEL 2: A PORTION OF TRACTS 8, 9A, 9B1, AND 9C, LAURA E. MUNDY SURVEY NO. 238, AND A PORTION OF TRACTS 5A, 5B, AND 6, LAURA E. MUNDY SURVEY NO. 237 AND A PORTION OF NELLIE D. MUNDY SURVEY NO. 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL) AND FROM R-3/SP (RESIDENTIAL/SPECIAL PERMIT) TO R-5/SP (RESIDENTIAL/SPECIAL PERMIT); AND, PARCEL 3: A PORTION OF TRACTS 9A, 9B1, AND 9B, LAURA E. MUNDY SURVEY NO. 238 AND A PORTION OF TRACT 4B, 4B1, 5A, 5B, AN 6, LAURA E. MUNDY SURVEY NO. 237, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO R-MU (RESIDENTIAL MIXED USE) AND APPROVING A MASTER ZONING PLAN; AND, PARCEL 4: A PORTION OF TRACTS 9B, LAURA E. MUNDY SURVEY NO. 238, AND A PORTION OF TRACTS 4A, 4B, 4B1, AND 6, LAURA E. MUNDY SURVEY NO. 237, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 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).

Representatives Lilly, Holguin, Byrd, and O'Rourke commented.

Mr. Conrad Conde, representing the applicant, commented.

**7<sup>TH</sup> MOTION**

Motion duly made by Representative Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED TO R-3 INSTEAD OF R-4 ZONING**. 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, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: Representative Byrd

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**.

**10H.**

**ORDINANCE 16949**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO RIVER ELMS, L.L.C. PERMITTING THE ENCROACHMENT OF SIX AERIAL PIPELINES OVER A PORTION OF PUBLIC RIGHT-OF-WAY (ALLEY) BETWEEN LOTS 1 - 8, BLOCK 81, BASSETT ADDITION, AND LOTS 25 - 32 AND THE EAST HALF OF LOT 24, BLOCK 81, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative O'Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

**8<sup>TH</sup> AND FINAL MOTION**

Motion duly made by Representative O'Rourke, 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, 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**.

**10I.**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on 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.

**11.**

**ORDINANCE 16950**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE TO PROHIBIT PARKING ON PELLICANO DRIVE FROM LOMALAND DRIVE TO THE EAST CITY LIMITS AND PETER COOPER DRIVE FROM VISTA DEL SOL DRIVE TO DOS RIOS DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.85 OF THE EL PASO CITY CODE.**

Representatives Holguin and Lilly commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative Holguin, 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, Acosta, 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**.

12.

**ORDINANCE 16951**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 1, CIVIL SERVICE COMMISSION, TO ADD SECTION 13, RESTRICTION ON REPRESENTATION OF EMPLOYEES BY FORMER COMMISSIONERS.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. John Batoon, Assistant City Attorney, gave legal advice.
3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following member of the public commented:

1. Mr. Bill Abayo, El Paso Municipal Employees Association
2. Mr. Michael Pleters, Civil Service Commissioner

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

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

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

Motion made by Representative Ortega, seconded by Representative Lilly, to approve with the amendment of a 24 month restriction. The Motion was **NOT VOTED** on as the Motion to postpone took precedent.

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

Motion made by Representative Castro, seconded by Representative Acosta, and carried to **POSTPONE** for five weeks.

AYES: Mayor Cook and Representatives Acosta, Castro, Quintana, and Holguin

NAYS: Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting aye.

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

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **RECONSIDER** the item.

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

NAYS: Representatives Acosta, Castro, and Quintana

NOT PRESENT FOR THE VOTE: Representative Holguin

**5<sup>TH</sup> AND FINAL MOTION**

Motion duly made by Representative Ortega, seconded by Representative O'Rourke, 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, Ortega, and O'Rourke  
NAYS: Representatives Acosta, Castro, and Quintana  
NOT PRESENT FOR THE VOTE: 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**.

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**13A.**

**ORDINANCE 16952**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY DESCRIBED AS THE NORTH PORTION OF LOT 33 (25 FEET ON THE NORTH, 42.15 FEET ON THE EAST, 25.32 FEET ON THE SOUTH AND 39.20 FEET ON THE WEST), BLOCK 12, SUNSET HEIGHTS, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO JUAN ANTONIO FLORES, JR.**

Motion duly made by Representative O'Rourke, 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, 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**.

.....  
**13B.**

**ORDINANCE 16953**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 300 ARROYO GRANDE TO F & F GENERAL CONTRACTOR.**

Motion duly made by Representative Lilly, 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, Acosta, 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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**14. MAYOR AND COUNCIL**

Presentation by the Community Scholars regarding bridge wait times.

The Community Scholars presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega, Quintana, Acosta, and Castro commented.

**NO ACTION** was taken on the item.

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**15. CITY MANAGER:**

City Manager's report of current events and issues:

Staff update on the American with Disabilities Act transition plan.

Mr. Bill Bennett, Access and ADA Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Tim Omick, Sun Metro Director, commented.

Mr. Frank Lozano and Mr. Luis Chu, citizens, commented.

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

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

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Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:19 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk