

**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

**SPECIAL CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 26, 2009**

The City Council met at the above place and date. Meeting was called to order at 1:03 p.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susie Byrd, Emma Acosta, Rachel Quintana, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Carl Robinson and Beto O'Rourke at 1:05 p.m. and Eddie Holguin, Jr. at 1:33 p.m.

1. Discussion and action regarding digital billboards and whether or not they will be permitted in the City of El Paso.
2. Discussion and action regarding registration procedures for existing billboards in the city limits and the ETJ.
3. Discussion and action regarding prohibition of new billboards vs. cap and trade.
4. Discussion and action on recommendations of the following:
  - 4A. 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;
  - 4B. 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;
  - 4C. Policy direction on the provisions of the proposed Ordinances in Agenda items 4A and 4B to include the following specific questions:
    1. Should digital off-premise signs be permitted within the City and its Extraterritorial Jurisdiction area?
    2. If digital off-premise advertising is permitted, what should the total number of digital signs permitted be and what is the process to reach this maximum number by all providers?
    3. What is the recommended allowable height for permitted off-premise signs (including digital off-premise signs), and how is this measured?
    4. What is the recommended minimum spacing requirement between off-premise signs (including digital off-premise signs)?

5. What is the recommended minimum setback requirement for off-premise signs (including digital off-premise signs) adjacent to residential districts?
  6. On permitted digital off-premise advertising, what is the recommended minimum dwell time?
  7. Should new billboards be prohibited for a period of time to determine the effectiveness of takedown, and what period of time should be given?
  8. Should new billboards be prohibited outright or permitted with a cap and exchange provision?
  9. If new billboard construction is permitted, what is the recommended minimum exchange rate?
  10. On a cap and exchange provision, how is the takedown to be measured (structure, square footage or other)?
5. Discussion and action on the registration process for establishment of non-conformancy for off-premise signs.
  6. Discussion and action on directing that the City Manager solicit an independent third party inventory of existing off-premise signs within the City Limits and Extraterritorial Jurisdiction area, and requiring completion of the inventory within ninety (90) days of Council action; and utilizing the inventory to assist with registration of existing off-premise signs and establishment of non-conformancy.

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

Mayor Cook and City Representatives questioned City staff.

Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Dayoub, President and Chief Executive Officer of The Greater El Paso Chamber of Commerce
2. Ms. Yolanda Giner, Gordon Mott and Davis, representing Clear Channel Outdoor Communications
3. Mr. Tim Anderson, employee of Clear Channel Outdoor Communications
4. Ms. Susan Eisen, Susan Eisen's Jewelers
5. Mr. Michael Churchman, Lynx Exhibits
6. Mr. Mike Monz, Lamar Outdoor Advertising
7. Mr. Mark Benitez, Cielo Vista Neighborhood Association
8. Mr. Jerry Wachtel, Traffic Safety Expert, Veridian Group
9. Mr. Joe Lopez, Lopez Advertising
10. Mr. Mark Barnett, Barnett Harley Davidson
11. Mr. Jim Paul
12. Ms. Margaret Lloyd, President of Scenic Texas & on Board of Scenic America
13. Mr. VJ Smith, Clear Channel Outdoor Communications
14. Mr. Bill Brighton, Partnership for a Better El Paso

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

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow the public to address the Council multiple times.

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

Motion made by Representative Ortega, seconded by Representative, and carried to **CONTINUE THE STAY** on all digital billboards until the federal government issues its study on the safety of digital billboards.

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

NAYS: Representatives Acosta, Quintana, and Holguin

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

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **SET THE HEIGHT REQUIREMENTS** for permitted off-premise signs at 35 feet and 25 feet and with measurements starting at ground level.

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

NAYS: Representatives Acosta, Quintana, and Holguin

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

Motion made by Representative Byrd, seconded by Representative Lilly, to approve sign spacing between off-premise signs at one and two miles depending on class of roadway. **THE MOTION FAILED.**

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

NAYS: Mayor Cook and Representatives Acosta, Robinson, Quintana, and Holguin

Mayor Cook broke the tie, voting nay.

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

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **APPROVE MAYORAL COMPROMISE** on the sign spacing as stated (1,500 in radius).

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

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **REQUEST AN INVENTORY** to be conducted at the City's expense and postpone the remaining items until the City Council meeting of November 24, 2009.

.....  
Motion made by Representative O'Rourke, seconded by Representative Quintana, and unanimously carried to adjourn this meeting at 5:09 p.m.  
.....

APPROVED AS TO CONTENT:

---

Richarda Duffy Momsen, City Clerk