

**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  
SEPTEMBER 16, 2008  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Rachel Quintana, and Beto O'Rourke. Late arrivals: Steve Ortega at 8:36 a.m. during Executive Session deliberations, Eddie Holguin, Jr., at 8:38 a.m. during Executive Session deliberations, and Melina Castro at 8:39 a.m. during Executive Session deliberations. Early departures: Ann Morgan Lilly at 5:44 p.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

- 1. NATIONAL HISPANIC HERITAGE MONTH**
- 2. SURGICAL TECHNOLOGISTS WEEK IN EL PASO**
- 3. EL PASO SOLAR ENERGY ASSOCIATION DAY**

**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. William Hart, Jr.
2. Mr. Bill Addington
3. Mr. James Perry
4. Ms. Lisa Turner

Mayor Cook commented.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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 Castro, Holguin, and Ortega

Motion made by Representative Acosta, seconded by Representative Lilly, 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 Castro and Quintana

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**EX1.**   Guadalupe Guerra vs. City of El Paso; Cause No. 2004-1749. (551.071)

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

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**EX2.**   John Fox vs. City Council, et al. (various cases); Smith vs. City, et al., Cause No. EP-08-CA-0147-DB; and Martha Martinez vs. City of El Paso, et al., Cause No. 2004-3728. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the Office of the City Attorney be authorized to **RETAIN OUTSIDE COUNSEL** in the cases entitled John Fox vs. City Council, et al. (various cases)

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

NAYS: None

ABSTAIN:   Representatives Castro and Quintana

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**EX3.**   Wells Fargo Home Mortgage Inc. vs. City of El Paso, et. al., Cause No. 2008-2719. (551.071)

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

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**EX4.**   Diana Kirk vs. City of El Paso, Cause No. 2008-3447 (551.071)

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

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**1.**

**RESOLUTION**

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Hawkins Regency L.L.C., a Delaware limited liability company ("Applicant"), to provide for a grant from the City to the Applicant in an amount not to exceed \$8,000,000.00 Net Present Value in connection with the Applicant's removal of the blighted conditions and redevelopment of the approximately 55-acre property located at 8889 Gateway West Boulevard in El Paso, Texas, subject to the terms and conditions provided in the Agreement.

Ms. Dorothy Parks, Senior Project Manager for Regency Centers, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kathryn Dodson
3. Ms. Sylvia Borunda Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.
4. Mr. Ted Marquez, Engineering Division Manager

Mr. Paul Foster, Foster Regency, commented.

The following members of the public commented:

1. Mr. Rod Vosper, Simon Property Groups-Indianapolis
2. Mr. Jim Harris, legal counsel for Simon Property Groups
3. Mr. Artemio de la Vega, Las Palmas Shopping Center
4. Mr. Mike Hutson, legal counsel for Las Palmas Shopping Center
5. Mr. Mark Miller, representing Bassett Place
6. Mr. Jim Harris read a letter into the record from Mr. Patrick J. Callan, One Liberty Properties
7. Mr. Dan Olivas, President of the Greater El Paso Association of Realtors
8. Mr. F.D. Bollinger, educator
9. Mr. Joe Gomez, Association of General Contractors
10. Mr. Richard Dayoub, El Paso Greater Chamber of Commerce
11. Mr. Mike Rooney
12. Mr. Richard Amstater, real estate broker for Regency/Foster
13. Mr. Richard Schecter
14. Mr. Bill Addington, El Paso Regional Sierra Club Group
15. Mr. Mark Benitez, Cielo Vista Neighborhood Association
16. Mr. Philip Del Rio, El Paso Hispanic Chamber of Commerce
17. Mr. Javier Antuna
18. Mr. Jack Chapman
19. Mr. Fred Jackson, El Paso Restaurant Association
20. Mr. Ray Gilbert
21. Mr. Lynn Fitzgerald
22. Mr. Larry Arciniaga
23. Ms. Sylvia Stuckey
24. Mr. H. W. Bill Sparks
25. Mr. Richard Amstater read a letter into the record from Mr. Bob Ayoub, President of MIMCO
26. Mr. Brent Harris, Mills Plaza Properties

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

Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. de la Vega an additional five minutes to address the Council.

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

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

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

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

NOT PRESENT FOR THE VOTE: Representative Quintana

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

Motion made by Representative Acosta, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Dayoub an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative Holguin

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Rooney three minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representative Holguin

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

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Amstater four minutes to address the Council.

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

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **ACCEPT** a partial waiver of sovereign immunity language as proposed in Section 6 (g) of the Agreement.

AYES: Mayor Cook and Representatives Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Lilly, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

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

Motion made by Representative Acosta, seconded by Representative Ortega, and carried to have piracy agreement pertain to recruiting any existing Eastside or Lower Valley retailer with a store larger than 30,000 square feet.

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

NAYS: Representative Holguin

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

Motion made by Representative Acosta, seconded by Representative Ortega, to change the relocation term in Section 1 (m) of the Agreement to five years. **THE MOTION FAILED.**

AYES: Representatives Byrd, Acosta, and O'Rourke

NAYS: Representative Lilly, Castro, Quintana, Holguin, and Ortega

**11<sup>TH</sup> MOTION**

Motion made by Representative Quintana, seconded by Representative Castro, that traffic mitigation be **CAPPED** at \$1,000,000. **THE MOTION FAILED.**

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

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

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution and authorize the City Manager to sign the agreement **AS AMENDED.**

AYES: Mayor Cook and Representatives Byrd, Acosta, Ortega, and O'Rourke  
NAYS: Representatives Lilly, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

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The City Council Meeting **RECESSED** at 2:29 p.m. and **RECONVENED** at 3:33 p.m.

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Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **RECESS** the City Council Meeting at 3:35 p.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 4:10 p.m.

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

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**2. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 9, 2008.

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

**NO ACTION** was taken on this item.  
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4A.

**\*RESOLUTION**

**WHEREAS**, Dance Spirit, LLC, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition which requires City Plan Commission and City Council approval, to permit the construction and development of a dance studio; and

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

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

**WHEREAS**, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code.

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a dance studio on the following described property which is located in a C-1/C (Commercial/Conditions) District:

A portion of Lot 18, Block 2, Montwood Heights Unit Four, City of El Paso, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A";

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-1/C (Commercial/conditions) 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-1/C (Commercial/conditions) District. 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.

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4B.

**\*RESOLUTION**

That the City Manager be authorized to sign a First Amendment to an Agreement for Professional Services by and between the City of El Paso and Alvidrez Architecture, Inc., for a project known as "Municipal Services Center Expansion", to add additional services in an amount not to exceed \$6,200 thereby extending the original contract value from \$258,811.12 to \$265,011.12.

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4C.

**\*RESOLUTION**

That the City Manager be authorized to sign a License Agreement between the City of El Paso, ("City") and BNSF Railway Company, a Delaware corporation, ("BNSF"), allowing the City access to BNSF right-of-way to make improvements to existing channel and drainage structures.

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**4D.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Matilde Andrade for the purchase of

Lots 20 and 21, Block 1, Hadlock’s Suburban Gardens, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 12, Page 20, Plat Records of El Paso County, Texas, also known as 231 Colfax Street, El Paso, El Paso County, Texas

for the purchase price of \$42,000.  
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**4E.**

**\*RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the contract with First Southwest Company to add Financial Analysis Services on an as needed basis in an amount not to exceed \$80,000 to establish a Transportation Reinvestment Zone.

Ms. Bertha Ontiveros, Assistant City Attorney, provided legal advice.  
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**4F.**

**RESOLUTION**

**WHEREAS**, the El Paso Public Library has developed a facility use and rental policy for approval by the City Council; and

**WHEREAS**, the Library’s mission as stated in its strategic plan is that the El Paso Public Library serves our diverse community through information access, cultural enrichment, and lifelong learning (“Mission Statement”).

**WHEREAS**, the offering of free rental for space normally rented for events, as well as free security, audio-visual equipment/operator, and Library staff fees for those Library fundraising and related supporting and promotional events held by organizations whose sole purpose is the financial support of the Library, and other organizations where the sole purpose of the event is fundraising for the Library or the presentation of programs which promote and support the services, exhibits and special events of the Library, directly furthers the mission of the Library; and

**WHEREAS**, free or reduced fee events shall not displace paying customer events and Library events; and

**WHEREAS**, the rental agreements between the Library and individuals or entities desiring to rent Library space and facilities shall be in substantial conformity with the Special Event Use Agreement form attached hereto as Exhibit “A”.

**WHEREAS**, Community rooms in the Library have traditionally been made available without charge to non-commercial community groups and individuals during regular library hours pursuant to the Meeting Room Policy attached hereto as Exhibit “C”.

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

**THAT** the City Council approves the rental agreements between the Library and individuals or entities desiring to rent Library space and facilities by agreement in substantial conformity with the Special Events Use Agreement, attached as Exhibit "A".

**THAT** the City Council finds that the fee reductions described hereinabove and in the El Paso Public Library Facility Rental Policy, attached as Exhibit "B", constitute 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 directly support the mission of the El Paso Public Library and advance the spirit of the public education and public service program aspect of the mission of the El Paso Public Library.

**THAT** the City Council finds that the use of community rooms without charge, as allowed in the Meeting Room Policy, attached as Exhibit "C", constitute 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 directly support the mission of the El Paso Public Library and advance the spirit of the public education and public service program aspect of the mission of the El Paso Public Library.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mike Gibbs, Business Manager for Library
- 3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

**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 Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution.

AYES: Mayor Cook and Representatives Byrd, Ortega, and O'Rourke  
 NAYS: Representatives Acosta, Quintana, and Holguin  
 NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

Mayor Cook broke the tie, voting aye.

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**4G.**

**\*RESOLUTION**

That the Mayor be authorized to sign a contract by and between the City of El Paso, and the Paseo del Este Municipal Utility District No. 2 to join various other entities for whom the City acts as property tax assessor/collector.

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**5. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Elizabeth M. Behrenhausen to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Ann Morgan Lilly, District 1.

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**6. APPLICATION FOR TAX REFUND**

\*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. BMW financial Services NA, LLC in the amount of \$5,420.50 overpayment of 2006 taxes. (PID #0655-999-1038-6650).
- B. Malvern Scale Data Systems, Inc. in the amount of \$2,647.20 overpayment of 2007 taxes. (PID #0826-999-0789-0034).
- C. Retax Funding LP in the amount of \$5,231.22 overpayment of 2007 taxes. (PID #E054-999-0170-1700).
- D. GMAC Mortgage in the amount of \$6,995.08 overpayment of 2007 taxes. (PID #K383-999-0010-1400).
- E. GMAC Mortgage, LLC in the amount of \$3,760.31 overpayment of 2007 taxes. (PID #M344-999-0010-0500).
- F. Versailles Ventuares, LTD in the amount of \$10,021.37 overpayment of 2007 taxes. (PID #V893-999-2650-1500)

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**7. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-157 (Police Motorcycles) to Barnett Harley-Davidson, for a total award of \$71,300.65.

Department: General Services  
Award to: Barnett Harley-Davidson  
El Paso, TX  
Item: 1  
Option: To purchase up to 100% of the contract quantity at the same unit price if the option is exercised within 365 days from the date of award.  
Account No.: 37150068 – 508006 – 27507 – PFLESVC01  
Funding Source: Equipment Replacement Fund  
Total Award: \$71,300.65

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

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder.

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**8A. – 8C INTRODUCTIONS**

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

- 8A.** An Ordinance granting a Special Privilege to the Hotel Don Quixote, LTD, permitting an aerial and subsurface encroachment of two air ducts, an interceptor, sampling well, and the related connecting pipes, within a portion of public right-of-way in the alley adjacent to Lots 37 - 40, Lots 42 - 46, and a

portion of Lot 41, Block 1, Satterthwaite Addition, City of El Paso, El Paso County, Texas, commonly known as 113 West Missouri Street.

**8B.** An Ordinance vacating a portion of Barney Street located Between Lot 1, Block 1, Pasadena No. 3, and Lot 8, Block 1, Pasadena No. 2, City of El Paso, El Paso County, Texas.

**8C.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest of the City of El Paso, Trustee, on behalf of all taxing units interested in the tax foreclosure judgments, in eighteen identified real properties to the City of El Paso, in accordance with Section 34.05 (i) of the Tax Code.

NOT PRESENT FOR THE VOTE: Representative Lilly

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 23, 2008, FOR ITEMS 8A - 8C**

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ITEMS TAKEN TOGETHER:

**9A.**

**ORDINANCE 16998**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, SERIES 2008A;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

**9B.**

**ORDINANCE 16999**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE BONDS, SERIES 2008B;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Mr. Steven Adams, First Southwest, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Holguin commented.

Ms. Marcela Navarette, El Paso Water Utilities, commented.

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

AYES: Representatives Byrd, Acosta, Castro, Ortega, and O’Rourke

NAYS: Representatives Quintana and Holguin

NOT PRESENT FOR THE VOTE: Representative Lilly

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

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10A.

ORDINANCE 17000

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 9, PICNIC GROVE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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**.

10B.

ORDINANCE 17001

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), AND CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE 1, (GENERAL PROVISIONS), AND ARTICLE IV, (ON-PREMISE SIGN REGULATIONS), SECTION 20.18.400 (GENERAL), OF THE EL PASO CITY CODE TO ALLOW CHANGEABLE ELECTRONIC VARIABLE MESSAGE AND DIGITAL SIGNS AND 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).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Victor Torres, Director of Development Services
- 3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Kevin Downing, Planet Fitness - Mesa
- 2. Mr. Thomas Wright, LSI Lighting
- 3. Mr. Neal Gray, 7-Eleven/Fina
- 4. Ms. Jan Francis, Francis Fluorescent Signs
- 5. Mr. Adrian Alvarado, C & R Distributing
- 6. Mr. Kevin Buntyn, 21C Signs
- 7. Ms. Yolanda Giner, Attorney

- 8. Mr. Thad Steele, T & T Staff Management
- 9. Mr. Jeremy Francis, Francis Fluorescent Signs

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

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER to MOVE TO THE FOREFRONT.**

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

Motion made by Representative Holguin, 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.

NOT PRESENT FOR THE VOTE: Representative Lilly

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

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS AMENDED.** 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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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 AMENDED.**

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**11. PUBLIC HEARING – ENGINEERING**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the public hearing on 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 add Helen of Troy Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code.

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**12. MAYOR AND COUNCIL**

Discussion and action to eliminate all Legislative Review Committees and bring all items to council.

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

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

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**13. RESOLUTION**

**WHEREAS,** the Texas Transportation Institute (TTI) is a state agency that provides transportation studies, research, evaluations and other services related to transportation throughout the State of Texas; and

**WHEREAS**, Chapter 791 of the Texas Government Code provides that any one or more public entities may contract with each other for the performance of governmental functions or services in which the contracting parties are mutually interested; and

**WHEREAS**, the City of El Paso is in need of various transportation research and services, which may be provided by TTI and the parties therefore find it in the best interest of each party to enter into an agreement whereby TTI may provide various transportation related studies to the City on an as-needed basis;

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

**THAT** the City Manager is hereby authorized to sign a three year Master Interlocal Cooperation Agreement with the Texas Transportation Institute (TTI) for the provision of various transportation research and studies by TTI, in an amount not to exceed \$750,000.00.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

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

NOT PRESENT FOR THE VOTE: Representative Lilly

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Motion made by Representative Acosta, seconded by Representative Castro, and unanimously carried to **ADJOURN** this meeting at 7:04 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk