

JOHN F. COOK  
MAYOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, 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  
OCTOBER 9, 2007  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:04 a.m. Alternate Mayor Pro Tempore Jose Alejandro Lozano present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, and Beto O'Rourke. Late arrivals: Melina Castro and Eddie Holguin, Jr. at 9:05 a.m. and Steve Ortega at 9:09 a.m. Absent: John F. Cook requested to be excused. A moment of silence was followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **BOWIE ALUMNI HOMECOMING WEEK IN EL PASO**
2. **MENTAL ILLNESS AWARENESS WEEK**
3. **EL PASO INDEPENDENT SCHOOL DISTRICT ATTENDANCE AND DISCIPLINE MONTH**

**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 member of the public commented:

1. James Perry

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Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Mayor Pro Tempore Lozano, 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, Lozano, 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 October 2, 2007, and the Special City Council Meeting Minutes of September 28, 2007 (MPO), and October 2, 2007 (Department of the Army Right of Entry).

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of October 9, 2007.

**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Air Cargo Center Agreement by and between the City of El Paso ("Lessor") and BT Property, LLC ("Lessee") to decrease the leased premises of the existing Air Cargo Center Agreement by 102,084 square feet of ramp area; and that the annual rent be adjusted accordingly.

**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Air Cargo Center Agreement by and between the City of El Paso ("Lessor") and United Parcel Service, Inc. ("Lessee") to increase the amount of leased premises of the existing Air Cargo Center Agreement by an additional 47,940 square feet of ramp area; and that the annual rent be adjusted accordingly.

**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Maria Elena Salgado for the purchase of

Parcel 19 – 653.00 square feet, more or less, of Tract 8-D, Johannsen Survey No. 185, Abstract 2789, City of El Paso, El Paso County, Texas,

to be acquired for a Project known as the Montoya Heights Drainage Improvements, Phase II, Channel Right of Way, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

**3D.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Cynthia Lou Zarges, Kristy Kay Zarges, and Julie Ray Zarges for the purchase of

Parcel 11 – 1,438 square feet, more or less, of Tract 8-C, Johannsen Survey No. 185, Abstract 2789, City of El Paso, El Paso County, Texas, and

Parcel 12- 2,774.00 square feet, more or less, of Tract 8-F, Johannsen Survey No. 185, Abstract 2789, City of El Paso, El Paso County, Texas

to be acquired for a Project known as the Montoya Heights Drainage Improvements, Phase II, Channel Right of Way, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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**3E.**

**\*R E S O L U T I O N**

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

Parcel 13 - 2,995 square feet, more or less, out of Tract 8-E, Johannsen Survey No. 185, Abstract 2789, City of El Paso, El Paso County, Texas,

to be acquired for a Project known as the Montoya Heights Drainage Improvements, Phase II, Channel Right of Way, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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**4. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Elijah Graham to the City Plan Commission, to fill an unexpired term, by Representative Melina Castro, District 4.

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**5. BID**

**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 O'Rourke, seconded by Representative Byrd, and unanimously carried to **POSTPONE** for one week the award of Bid Solicitation No. 2007-234 (Sixth Avenue Street and Drainage Improvements Phase II) to Allen Concrete, Inc., for an estimated total amount of \$376,784.65.

Department:	Street
Award to:	Allen Concrete, Inc. El Paso, Texas
Base Bid I:	\$320,458.65
Base Bid II:	\$ 29,376.00
Base Bid III:	\$ 3,100.00
Alternate I:	\$ 23,850.00
Total Estimated Award:	\$376,784.65
Account No.	G7132CD0029 – 71150069 - 10075-508027
Funding Source:	Community Development Block Grant

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the

intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering, and Street recommend award as indicated to the lowest responsive, responsible bidder.

Representatives O'Rourke, Ortega, and Lozano commented.

Mr. Rick Talamo, Capital Projects Manager, and Ms. Irene Ramirez, Assistant City Engineer, commented.

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**6A. – 6C. INTRODUCTIONS**

Motion made by Representative Holguin, seconded by Representative Quintana, 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 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited during Certain Hours, School Days Only), Paragraph A (No Parking 7:00 a.m. to 4:00 p.m.), of the El Paso City Code by adding Tierra Rey Court; and Tierra Nevada, between Edgemere and Tierra Espada, both sides. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code, to add Zone Q: No Parking 7:00 a.m. to 4:00 p.m., School Days Only, on Sterling Mary Way. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2007, FOR ITEMS 6A – 6B**

- C. An Ordinance amending Ordinance 016653 which amended Title 20 (Zoning) of the El Paso City Code and Ordinance 16746, which amended the effective date of Ordinance 016653, to amend Chapter 20.02, (Definitions), to revise the definitions for "Sign, Pole", and "Yard", to delete the definition for "Community Building"; by amending Section 20.08.030.C (Appendix A), Table of Permissible Uses, by amending 18.10 "Motor Carrier Terminal" and to designate that a detailed site plan is required in the Planned Industrial (P-I) District; by amending 18.16 (Transportation Terminal Type A) to require a detailed site plan in the Planned Industrial (P-I) District; amending Section 20.10.400, (Neighborhood Conservancy Overlay) to replace "City Architect" with "Historic Preservation Officer"; amending Section 20.10.260 (Governmental Uses and Buildings) to require screening for certain heavy governmental uses adjacent to residential districts; amending Section 20.12.020 (Table of Density and Dimensional Standards), (Appendix B) to amend the density in the S-D (Special Development District); amending Chapter 20.14 (Parking, Loading and Storage Regulations) by deleting Section 20.14.050.C (Appendix C), Parking Table and replacing it with the attached Exhibit B: by amending Chapter 20.18, Sign Regulations in its entirety. The penalty as provided in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 30, 2007, FOR ITEM 6C**  
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7A.

ORDINANCE 16754

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 15, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 2: A PORTION OF SECTION 10, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); PARCEL 3: A PORTION OF SECTIONS 10, 11, AND 15, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO P-R1 (PLANNED RESIDENTIAL DISTRICT 1)); PARCEL 4: A PORTION OF SECTION 11, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO A-2 (APARTMENT); PARCEL 5: A PORTION OF SECTIONS 2 AND 11, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL) ; PARCEL 6: A PORTION OF SECTION 10, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-2 (COMMERCIAL); AND, PARCEL 7: A PORTION OF SECTION 10, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO A-2 (APARTMENT) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Castro, Lozano, Ortega, and Byrd commented.

The following City staff members commented:

- 1. Ms. Kelly Carpenter, Deputy Director of Planning
- 2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Ray Gilbert, citizen, commented.

Motion duly made by Representative Castro, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Alternate Mayor Tempore 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

7B.

ORDINANCE 16755

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A FIVE-FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN A PORTION OF LOTS 8, 9, AND 11, BLOCK 1, EL PASO WEST UNIT TWO, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY LOCATION: SOUTH OF ARTCRAFT ROAD AND EAST OF INTERSTATE HIGHWAY 10.**

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Alternate Mayor Pro Tempore 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

Whereupon the Alternate Mayor Pro Tempore 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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**8.**

**ORDINANCE 16756**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NUMBERS 8611, 9969, 10991, 11655, 12159, 12958, AND 13647 WHICH ESTABLISHED PROCEDURES FOR TRAVELING FOR THE CITY OF EL PASO.**

Representatives Quintana, Ortega, Lilly, and Lozano commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, commented.

Mr. Ray Gilbert, citizen, commented.

Motion duly made by Representative Ortega, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Alternate Mayor Pro Tempore 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**9. MAYOR AND COUNCIL**

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to direct the City Manager to **EVALUATE** converting Yandell Drive into a two-way street and report recommendations to the City Council.

Representatives O'Rourke, Byrd, and Castro commented.

Mr. Ray Gilbert and Mr. Mark Perkins, citizens, commented.

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**ADDITION TO THE AGENDA**

**1. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Rigoberto Mendez to the Zoning Board of Adjustment by Representative Jose Alexandro Lozano, District 3.

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Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 10:08 a.m.

Representatives Lozano, Ortega, Byrd, and Holguin commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk