

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 4, 2008
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 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, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. The invocation was given by Police, Fire, & CIMA Hospice Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. DIABETES MONTH**
- 2. PERIOPERATIVE NURSES WEEK**
- 3. FIGHT AGAINST HUNGER MONTH**
- 4. YWCA SENIOR HOUSING DAY**

RECOGNITIONS

- 1. THE STAR ON THE MOUNTAIN AWARD - TANNER FINCHER**
- 2. GADSDEN HIGH SCHOOL - DEAF AND HARD OF HEARING CLASS - MS. LISA AGUILAR, TEACHER**

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 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. Ms. Lisa Turner**
- 2. Ms. Brenda Munoz, Mexican Consulate**
- 3. Mr. Raul Castillo, Ballet Folklorico de Yucatan**
- 4. Ms. Irma Montoya, La Mujer Obrera**

- 5. Mr. Jerry Thiedt
- 6. Mr. Arthur Ward

Mayor Cook and Representative Byrd commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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 October 28, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3.

***RESOLUTION**

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization (MPO), Transportation Policy Board (TPB) provide that the City of El Paso may appoint someone to the TPB to represent the El Paso International Airport;

WHEREAS, the current airport representative, Patrick T. Abeln, will be retiring from City service and will no longer serve on the TPB;

WHEREAS, the City of El Paso now desires to appoint a replacement for Mr. Abeln;

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

THAT Jane Shang, Deputy City Manager for Mobility Services, of the City of El Paso be appointed to the Transportation Policy Board for the Metropolitan Planning Organization as the El Paso International Airport representative in lieu of Patrick T. Abeln, effective immediately.

Mayor Cook and Representatives Byrd and Castro commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

4A. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that Audrey Hare be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective November 4, 2008, at a salary of \$70,099.70 per annum plus benefits.

Mayor Cook and Representative Castro commented.

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4B. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that Kristen Choi be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective November 17, 2008, at a salary of \$70,099.70 per annum plus benefits.

Mayor Cook and Representative Castro commented.

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4C. SPECIAL APPOINTMENT

*Motion made, seconded and carried that Kenneth Krohn be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective December 1, 2008, at a salary of \$95,000.00 per annum plus benefits.

Mayor Cook and Representative Castro commented.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ramon Jimenez to the Foster Grandparent Program Advisory Council by Representative Rachel Quintana, District 5.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Daniel Ortiz to the Empowerment Zone Advisory Board by Representative Steve Ortega, District 7.

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6A. – 6D. 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.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

6A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One-Way Streets), of the El Paso City Code by deleting Number 38, Oregon Street from Arizona Avenue to San Antonio Avenue; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

Mayor Cook and Representatives Castro and Holguin commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

- 6B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 Schedule XIV (Speed Limits), G (Forty-Miles per Hour), of the El Paso City Code by adding Helen of Troy Drive between Desert North Boulevard and the east City Limits; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 6C. 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 by adding Helen of Troy Drive, both sides; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

Representative Lilly commented.

Mr. David Karlsruher, citizen, commented.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 11, 2008, FOR ITEMS 6A – 6C

- 6D. An Ordinance changing the zoning of a portion of a replat of Ysleta Industrial District, City of El Paso, El Paso County, Texas, from M-1 (Manufacturing) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2008, FOR ITEM 6D

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 ITEMS TAKEN TOGETHER:

7A.

ORDINANCE 17017

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 10A, 11A, 12A, AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-M/SC (APARTMENT-MOBILE HOME PARK/SPECIAL CONTRACT) TO R-5/SC (RESIDENTIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

7B.

ORDINANCE 17018

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00042 TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED SIDE SETBACKS AND REDUCED LOT DEPTHS ON A PORTION OF TRACT 10A, 11A, 12A, AND 13A, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.270 (ZONING) OF THE EL PASO CITY CODE. 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).

Representative Ortega commented.

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, 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 Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative O'Rourke

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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8.

ORDINANCE 17019

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL ALL OF LOTS 1, 2, AND 3, BLOCK 107, HIGHLAND PARK ADDITION, COMMONLY KNOWN AS 2201 NORTH PIEDRAS STREET, EL PASO, EL PASO COUNTY, TEXAS, TO VICTOR F. NEVAREZ D/B/A SUNSET CARPETS.**

Representative Byrd commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, commented.

Mr. Jim Tolbert, Newman Park Neighborhood Association, commented.

Motion duly made by Mayor Pro Tempore Byrd, 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, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro

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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ITEMS TAKEN TOGETHER:

9A.

ORDINANCE 17020

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 LOT 16, BLOCK 21, DEL NORTE ACRES ADDITION, AN ADDITION TO THE CITY OF EL PASO, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 560, PAGE 524, DEED RECORDS OF EL PASO COUNTY, TEXAS, TO MJ REAL PROPERTIES INC.**

9B.

ORDINANCE 17021

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 SOUTHERLY PORTION OF LOT 10, BLOCK 10, LOMAS DEL REY REPLAT, AN ADDITION TO THE CITY OF EL PASO COUNTY, TEXAS, TO MJ REAL PROPERTIES INC.**

9C.

ORDINANCE 17022

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 0.075 ACRES IN TRACT 1, (18' X 170.06'), BEGINNING 338.73' SOUTHWEST OF THE SOUTHEAST CORNER, LA SIERRA VISTA #2, REPLAT, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO MJ REAL PROPERTIES INC.**

9D.

ORDINANCE 17023

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 .50 ACRES, OUT OF TRACTS 18 AND 19, CANUTILLO TOWNSITE, BEING MORE PARTICULARLY DESCRIBED IN VOLUME 793, PAGE 868, DEED RECORDS OF EL PASO COUNTY, TEXAS, TO MJ REAL PROPERTIES INC.**

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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 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 Ordinances, the same be and the same are hereby **ADOPTED**.

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10A.

RESOLUTION

WHEREAS, the City of El Paso (the "City") has adopted a Comprehensive Mobility Plan (CMP) for El Paso, to address the transportation needs of the city and to foster and support economic growth and opportunity; and

WHEREAS, a Transportation Reinvestment Zone ("TRZ") is an economic development tool that the City may use to finance needed transportation improvements and enhance infrastructure within the city; and

WHEREAS, the City desires to create a TRZ to promote transportation projects that will cultivate development or redevelopment within the Zone; and

WHEREAS, pursuant to the Texas Transportation Code, Chapter 222.106 (the "Act"), the governing body of a municipality by ordinance may designate a contiguous geographic area within the jurisdiction of the municipality to be a TRZ (the "Zone"); and

WHEREAS, prior to the creation of the Zone, but not later than the 30th day before the date the City proposes to adopt an ordinance designating an area as a transportation reinvestment zone, the City must hold a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone; and

WHEREAS, notice of the public hearing must be published in a newspaper of general circulation, not later than the seventh day before the date of the public hearing; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. INTENT TO CREATE TRANSPORTATION REINVESTMENT ZONE. The City hereby expresses its intent to create a Transportation Reinvestment Zone ("TRZ") for the purpose of financing public transportation projects. The Proposed TRZ consists of nine separate but contiguous corridors as described and depicted in Exhibits A through I, attached hereto and incorporated herein for all purposes. The entire proposed TRZ is depicted in Exhibit J, attached hereto and incorporated herein for all purposes.

SECTION 2. DATE OF PUBLIC HEARING. Pursuant to Texas Transportation Code, Chapter 222.106(e), a public hearing on the designation of the Zone and its benefits to the municipality and to property in the proposed Zone is set for Tuesday November 18, 2008, at 11:00 a.m. in City Council Chambers, El Paso City Hall.

SECTION 3. PUBLICATION OF NOTICE. The City Manager is hereby authorized to publish notice of the public hearing in the El Paso Times, or another newspaper of general circulation, not later than the seventh day before the date of the public hearing.

SECTION 3. This Resolution shall take effect on the date of passage hereof.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Cynthia Osborn, Assistant City Attorney, gave legal advice.
3. Ms. Jane Shang, Deputy City Manager of Mobility Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Chuck Barry, District Engineer with TXDot, and Mr. Raymond Telles, Camion Real Regional Mobility, commented.

Motion made by Representative Lilly, seconded by Representative Ortega, and carried to **APPROVE** the Resolution with the public hearing to be held at 6:00 p.m. on Tuesday, November 18, 2008.

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

NAYS: Representative Castro

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10B. ENGINEERING

Discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd and Ranchos Real XII, Ltd under Section 19.46 of the El Paso City Code.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice
3. Ms. Kimberly Forsyth, Engineering Lead Planner
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Mr. Ted Marquez, Engineering Division Manager

Mr. Chuck Barry, District Engineer with TXDot, commented.

Mr. Harold Davis, attorney for the applicant, and Mr. Conrad Conde, Conde, Inc, representing the applicant, commented.

1ST MOTION

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:47 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 12:07 p.m. and **RECONVENE** the meeting of the City Council.

3RD MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **POSTPONE** the item for two weeks.

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11.

R E S O L U T I O N

WHEREAS, on or about August 19, 2008, the City and the Camino Real Regional Mobility Authority (CRRMA) entered into a Management Agreement by which the City has committed to assisting the CRRMA with obtaining its initial funding; and

WHEREAS, the CRRMA is planning to go forward with a project to build two connectors at I-10 at Loop 375 (Americas Interchange); and

WHEREAS, this project, if approved and constructed, will be located within the city limits of the City of El Paso and would constitute improvements to the interchange that will serve and benefit persons residing in the City by enhancing and improving the movement of all traffic through the interchange; and

WHEREAS, the City Council finds that the construction of this project will serve an important municipal purpose for the City and that signing the Application for Financial Assistance to be filed with the State Infrastructure Bank (SIB), and making a pledge regarding the repayment of the loan, is a necessary part of the accomplishment of this municipal purpose; and

WHEREAS, the City and the CRRMA previously signed a joint Application pursuant to authorization contained in the Management Agreement. However, the Texas Department of Transportation has determined that the City must sign an Amended Application as the obligor of the loan, in order for the loan application to be processed; and

WHEREAS, the City Council finds that the signing of the Amended Application and other related and necessary documents, on behalf of the CRRMA, is necessary to accomplish the public purpose stated herein and in the Management Agreement; and

WHEREAS, the SIB loan application requires that the City’s highest elected official sign the application.

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

1. That the Mayor be authorized to sign an Amended Application for Financial Assistance to be filed with the State Infrastructure Bank (SIB), in the amount of \$3,075,000.00, and other related and necessary documents, for a project referred to as the I-10 at Loop 375 (Americas Interchange) Project.
2. That staff negotiate an agreement with the CRRMA to be approved by the City Council, that will provide for the pass through of the loan proceeds to the CRRMA, effective on the award of the loan. Such agreement shall contain provisions relating to the protection of the City’s governmental interests in the project and as obligor on the SIB loan, to include protections such as obligations on the part of the CRRMA to seek the release of the City as the obligor on the SIB loan and a pledge of future funding to cover the City’s costs of repayment of the loan.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Cynthia Osborn, Assistant City Attorney, gave legal advice.
3. Ms. Jane Shang, Deputy City Manager of Mobility Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Chuck Barry, District Engineer with TXDot, and Mr. Raymond Telles, Camion Real Regional Mobility, commented.

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

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

NAYS: Representatives Castro and Holguin

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Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **ADJOURN** this meeting at 12:18 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk