

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
NOVEMBER 29, 2005  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:07 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: None. Late arrival: Jose Alexandro Lozano at 9:08 a.m. and Presi Ortega, Jr. at 9:32 a.m. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

1. ASSOCIATION OF THE UNITED STATES ARMY WEEK
2. CHRISTMAS TREE IN LIGHTS DAY

**RECOGNITION**

**"STAR OF THE MOUNTAIN" AWARD TO MS. INGEBORG HOUSER**

**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/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_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.

Mr. Ray Gilbert commented on an agenda item not posted on the website and the possible violation of the Open Meetings Act.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd 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 [\*]).

\*Motion made, seconded and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of November 22, 2005, and the Special City Council Meeting of November 21, 2005 (Agenda Review).

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Ground Lessor Estoppel certifying the status of the six (6) ground leases described on Exhibit "A" attached hereto and incorporated herein by reference to Sealy SW Property, L.P. ("Ground Lessee") and Greenwich Capital Financial Products, Inc. ("Lender").

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

Lot 8 and a portion of Lot 9, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 21-23 Leigh Fisher, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

All of Lot 7, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 19 Butterfield Trail, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

All of Lot 10 and a portion of Lot 9, Block 7, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as 27 Leigh Fisher, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

All of Lot 11, Block 7, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 20 Founders, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

A portion of Lot 1, Block 14, Butterfield Trail Industrial Park Unit Three, City of El Paso, El Paso County, Texas, municipally known and numbered as 40 Walter Jones, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sealy Butterfield, L.P. ("Assignor") and Sealy SW Property, L.P. ("Assignee") for the following described property:

Portions of Lots 1 and 2, Block 6, Butterfield Trail Industrial Park Unit One, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 27 Concord, El Paso, Texas.

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**\*RESOLUTION**

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

That the City Manager be authorized to sign a Contract between the CITY OF EL PASO and RICHARD W. BLACK, to assist the El Paso International Airport as a Network Systems Manager, at a biweekly rate of \$2,934.31, for 40 hours per week.

Representatives Castro and Steve Ortega commented.

Charlie McNabb, City Attorney, commented.

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**1<sup>st</sup> MOTION**

Motion made, seconded and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

**RESOLUTION**

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

THAT the City Manager of the City of El Paso (the "City") be authorized to sign that certain Contract for the Collection of Delinquent Taxes entered into by the City and Delgado, Acosta, Spencer, Linebarger, & Perez, LLP, a Texas limited liability partnership of attorneys, effective for all purposes as of the 1<sup>st</sup> day of January, 2006.

Mayor Cook and Representatives Steve Ortega, Byrd, Presi Ortega, Jr., O'Rourke, Castro, Holguin and Lozano commented.

The following City staff members commented:

1. Mr. Juan Sandoval, Tax Assessor/Collector, gave a Power Point presentation (presentation on file in the City Clerk's office).
2. Mr. Charlie Mc Nabb, City Attorney
3. Ms. Joyce Wilson, City Manager

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger & Perez, LLP, gave a Power Point presentation (presentation on file in the City Clerk's office).

The following member of the public commented:

1. Mr. Ray Gilbert
2. Ms. Lisa Turner
3. Mr. Richard Schechter

**2<sup>nd</sup> MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. to **SUSPEND THE RULES OF ORDER** to allow Mr. Ray Gilbert an additional two (2) minutes to speak.

**3<sup>rd</sup> and FINAL MOTION**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Mayor Cook and Representatives Lilly, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Byrd, Lozano, Castro and Holguin

**1<sup>st</sup> MOTION**

Motion made, seconded and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

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

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

**WHEREAS**, pursuant to Section 6.30 of the Texas Tax Code (the "Code"), the City of El Paso (the "City") has entered into a contract with the law firm of Delgado Acosta Spencer Linebarger & Perez, LLP, a Texas limited liability partnership for the collection of delinquent property taxes, effective January 1, 2006 (the "Collections Contract").

**WHEREAS**, pursuant to Sections 33.07, 33.08, and 33.11 of the Code, a taxing unit may provide that delinquent taxes incur an additional penalty to defray costs of collection if the taxing unit has contracted with an attorney pursuant to Section 6.30 of the Code; provided that such additional penalty does not exceed the amount of the compensation specified in the contract with the attorney to be paid in connection with the collection of delinquent taxes; provided further that in the case of Section 33.11 of the Code, the taxes on the tangible personal property become subject to the attorney's contract before July 1 of the year in which the taxes become delinquent, and the taxing entity to which the personal property tax is owed has taken official action under Section 33.11 of the Code; and

**WHEREAS**, pursuant to Sections 33.07, 33.08, and 33.11 of the Code, the City wishes to defray its costs of collection that it incurs under the Collections Contract by providing that delinquent taxes incur an additional penalty.

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

1. That the Recitals set forth hereinabove are true and correct.
2. That pursuant to Section 33.07 of the Code, an additional penalty on delinquent taxes for tax years 2005 and subsequent years thereafter is hereby authorized and imposed in the amount of twenty percent (20%) of the delinquent tax, penalty and interest if that tax becomes delinquent on or after February 1 of a year but not later than May 1 of that year and that remains delinquent on July 1 of the year in which that tax becomes delinquent.
3. That pursuant to Section 33.08 of the Code, an additional penalty on delinquent taxes for tax years 2005 and subsequent years thereafter is hereby authorized and imposed in the amount of twenty percent (20%) of the delinquent tax, penalty and interest if that tax becomes delinquent on or after June 1 under Section 26.07(f), 26.15(e), 31.03, 31.031, 31.032, or 31.04 of the Code.
4. That pursuant to Section 33.11 of the Code, an additional penalty on delinquent taxes imposed on tangible personal property for tax years 2005 and subsequent years thereafter is hereby approved and imposed in the amount of twenty percent (20%) of the delinquent tax, penalty, and interest, if that tax becomes delinquent on or after February 1 of a year, the tax remains delinquent on or after the 60<sup>th</sup> day after the tax becomes delinquent, and the additional penalty is incurred before July 1 of the year in which said taxes become delinquent.

**2<sup>nd</sup> MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. to **SUSPEND THE RULES OF ORDER** to allow Mr. Ray Gilbert an additional two (2) minutes to speak.

**3<sup>rd</sup> and FINAL MOTION**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Mayor Cook and Representatives Lilly, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Byrd, Lozano, Castro and Holguin

See previous item for discussion.

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**1<sup>st</sup> MOTION**

Motion made, seconded and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

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

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

**THAT** the City Manager of the City of El Paso (the "**City**") be authorized to sign that certain Computer System License and Maintenance Agreement entered into by and between the City and Appraisal and Collection Technologies ("**ACT**") for the upgrade and maintenance of ACT's tax collection system, effective for all purposes as of the 1<sup>st</sup> day of January, 2006.

**2<sup>nd</sup> MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. to **SUSPEND THE RULES OF ORDER** to allow Mr. Ray Gilbert an additional two (2) minutes to speak.

**3<sup>rd</sup> and FINAL MOTION**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Mayor Cook and Representatives Lilly, Presi Ortega, Jr., Steve Ortega and O'Rourke  
NAYS: Representatives Byrd, Lozano, Castro and Holguin

See above item for discussion.

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\*Motion made, seconded and unanimously carried to **APPROVE** the request of Raul & Betty Figueroa to block off Tom Weiskopf between 11057 and 11065 on December 3, 2005 from 1:00 p.m. to 6:00 p.m. for a religious ceremony. Approximately 50 persons will take part and 70 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-183

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\*Motion made, seconded and unanimously carried to **APPROVE** the request of National Organization for Women to hold a parade/demonstration on December 3, 2005 from 12:00 p.m. to 2:00 p.m. Route: Start at Armijo Park on E. Sixth to S. Florence, turn left on S. Florence to W. Father Rahm, turn left on W. Father Rahm to S. El Paso, turn left on S. El Paso to the Paso Del Norte Bridge, proceed up the bridge half way, and turn around to S. El Paso, proceed on S. El Paso to E. Sixth, turn right on E. Sixth and finish at Armijo Park. Approximately 300 persons will take part. This request includes permission to use amplification (1-3 microphones and 1-3 amplifiers just in Armijo Park).  
PERMIT # 05-185

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\*Motion made, seconded and unanimously carried to **APPROVE** the request of St Pius X Church to hold a procession on December 2, 2005 from 6:01 p.m. to 7:00 p.m. Route: Start at the church parking lot on Clark to Geronimo, turn right on Geronimo to Gila, turn right on Gila to Clark, turn right on Clark and finish at the parking lot. Approximately 60 persons, 3 vehicles will take part and 60 spectators are anticipated.  
PERMIT # 05-186 [Norma A. Lujan]

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Motion made by Representative Byrd, seconded by Representative Presi Ortega, Jr. 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  
:  
An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.02.408 (Kennel) to revise the definition by deleting reference to the number of animals on the premises. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 20, 2005.**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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\*Motion made, seconded and unanimously carried to **DELETE** discussion and action to create a 4 member ad hoc committee comprised of El Paso City Representatives for border relations with Mexico.

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and carried to **APPROVE** the recommendations of the Planning & Development Services Legislative Review Committee regarding the Selection Procedures for Architects, Engineers and Land Surveyors as amended and as follows:

- Establishing an administrative process under the Office of the City Manager to oversee the process of selection of firms, and formally rescinding Chapter 2.88 (Selection Procedures for Architects, Engineers and Land Surveyors) of the El Paso Municipal Code.
- Adopting official public policy statements that will serve to define and guide the administrative process for selection of firms.
- Creating the administrative process for selection of firms under a formal Administrative Policies & Procedures directive of the City, to take effect on December 13, 2005.
- That a City Council Representative whose district the project falls in will be invited to sit in on the process.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representative Castro

Mayor Cook and Representatives Byrd, Lilly, Steve Ortega, Castro, Presi Ortega, Jr., O'Rourke and Lozano commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney

Mr. John Neal gave a Power Point presentation (presentation of file in the City Clerk's office).

Ms. Lisa Turner, citizen, commented.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried that the following Ordinance, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance deleting Title 2 (Administration and Personnel), Chapter 2.88 (Selection Procedures for Architects, Engineers and Land Surveyors), of the El Paso Municipal Code in its entirety.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 13, 2005.**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representative Castro

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**RESOLUTION**

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

**WHEREAS**, public works improvements are essential to the well being and vitality of the City of El Paso;  
and

**WHEREAS**, proper planning, design and project construction administration are entrusted to architect, engineer, and land surveyor professionals; and

**WHEREAS**, the Planning & Development Services Legislative Review Committee has reviewed the City's Architect and Engineer Selection Process as codified in the El Paso Municipal Code; and

**WHEREAS**, the Planning & Development Legislative Review Committee recommends that the selection procedures for the selection of architectural, engineering and land surveying services be removed from the El Paso Municipal Code and be identified in an administrative process submitted by City staff;

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

The City Council of the City of El Paso Texas provides the following policy guidelines to the City staff concerning the administrative process for the selection of architectural, engineering and land surveying services.

1. The evaluation and selection process should give no undue advantage to large or out-of-town consulting firms.
2. Consultants should be given selection credit for the availability of staff and experience with El Paso issues in local project construction administration.
3. Consideration should be given to Disadvantaged Business Enterprises including women and minorities.
4. When practical, a rotation scheme should be employed to distribute work evenly when a group of firms are found to be generally equal in competency and qualifications.
5. City Representatives should be made fully informed of public works projects in their respective districts.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representative Castro

Representatives O'Rourke, Presi Ortega Jr. and Steve Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Theresa Cullen Garney, Assistant City Attorney

Mr. Victor Cobos, citizen, commented.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly and unanimously carried to postpone two (2) weeks an Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to El Paso Jamas, Ltd., land totaling approximately 33.045 acres consisting of Tract 9C, Block 13, Upper Valley Surveys, El Paso County, Texas, in far west El Paso located north of Borderland Road between Westside Road and Morrell Road just outside the City Limits of El Paso.

Mayor Cook and Representatives Steve Ortega, Byrd and Lilly commented.

Mr. James Shelton, El Paso Water Utilities commented.

Mr Bill Hagan, El Paso Jamas, Ltd., commented.

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**ORDINANCE 16220**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO HBC LAND L.P., LAND TOTALING APPROXIMATELY 32.162 ACRES CONSISTING OF A PORTION OF SECTION 30, BLOCK 80, TSP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, IN NORTHEAST EL PASO LOCATED SOUTH OF PATRIOT FREEWAY (U.S. HWY. 54) ADJACENT TO MCCOMBS STREET IN THE EL PASO CITY LIMITS.**

Representatives Byrd and Castro commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. James Shelton, El Paso Water Utilities, commented

Motion duly made by Representative Castro, seconded by Representative Lozano, 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: Representative Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega and O'Rourke  
 NAYS: None Absent: None  
 NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on a resolution approving a detailed site development plan, for a portion of Tract 3, Section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, pursuant to a condition imposed by

Ordinance No. 011446. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00114

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**RESOLUTION**

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

**WHEREAS**, J.C. Viramontes, has petitioned the City of El Paso for its consent to create a Municipal Utility District (hereinafter referred to as "M.U.D.") for parcels located in El Paso's Extraterritorial Jurisdiction ("ETJ") containing a total of 577.70 acres pursuant to provisions of Chapters 49 and 54, Texas Water Code and Section 42.042 of the Texas Local Government Code for the purpose of providing water, and wastewater facilities; and,

**WHEREAS**, East Montana Joint Venture is the successor in interest and title to the above described property and has requested the continued processing of the petition (hereinafter referred to as "Petitioner"); and,

**WHEREAS**, a resolution approving or denying such consent to creation of a M.U.D. in the City's ETJ must be passed by the City Council of the City of El Paso, Texas, prior to inclusion of such land in a district.

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

THAT, pursuant to the provisions of the Texas Water Code and the Texas Local Government Code, the City of El Paso, Texas hereby does not consent to creation of the Viramontes Municipal Utility District in the City of El Paso's Extraterritorial Jurisdiction for the purpose of providing water and wastewater facilities for the lands, which are more fully described in the attached metes and bounds descriptions identified in Exhibit "A" and made a part hereof by reference.

Representatives Castro, Steve Ortega and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Rudy Valdez, Chief Urban Planner, gave a Power Point presentation (presentation on file in the City Clerk's office).

Mr. Victor Cobos, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Representative Lilly, Byrd, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representatives Lozano and Castro

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**RESOLUTION**

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

THAT the Mayor be authorized to sign and accept a dedication deed to the City of El Paso from Ranchos Real Developers VI, Ltd., for a 4.938 acre parcel of land described as Lot 1, Block 103, Tierra Del Este Unit 22, an addition to the City of El Paso, El Paso County, Texas, for the purpose of an Emergency

Service Facility, in satisfaction of Ranchos Real Developers VI, Ltd.'s obligation for dedication pursuant to Paragraph Eight of the Annexation Agreement dated November 9, 1999.

Further that the Mayor be authorized to sign an Irrevocable Approval between the City of El Paso and Douglas Schwartz, Timothy Foster and Robert Foster, which modifies and releases the City from certain obligations under the Protective Covenants on the property.

Mr. Rudy Valdez, Chief Urban Planner, gave a Power Point presentation (presentation of file in the City Clerk's office).

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried to **APPROVE** the above Resolution.

AYES: Representative Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Parcel A: a portion of Tract 10A, 10E, 12 and 13, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential); Parcel B: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office); and Parcel C: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas from R-3 (Residential) and PMD (Planned Mountain Development) to C-3/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7800 Block of Transmountain Road. Applicant: RVE Unit 18 Ltd. ZON05-00080

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.090.B (Sale Of Alcoholic Beverages, Restrictions) in order to prohibit the sale of alcoholic beverages within three hundred feet of a public or private school, day-care center or child-care facility. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Ordinance No. 011446 which changed the zoning of a portion of Tract 3, section 4, Block 79, TSP 3, T&P Railway Co. Surveys, El Paso, El Paso County, Texas, and which imposed certain conditions, by deleting Condition Number 2, applicable to Parcels 1&2, thereof. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Subject Property: 1800 Block of Joe Battle Blvd. Applicant: River Oaks Properties, Ltd. ZON05-00113

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**ORDINANCE 16221**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF FINDLEY STREET BETWEEN BLOCKS 21 AND 26, WOODLAWN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CITY OF EL PASO. SV05004**

Motion duly made by Representative Lozano, seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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**ORDINANCE 16222**

The City Clerk read an Ordinance entitled **AN ORDINANCE VACATING A PORTION OF CYPRESS STREET BETWEEN BLOCKS 26 AND 29, WOODLAWN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CITY OF EL PASO. SV05005**

Motion duly made by Representative Lozano, seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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**ORDINANCE 16223**

The City Clerk read an Ordinance entitled **AN ORDINANCE VACATING ALL OF THE 20-FOOT WIDE ALLEY WITHIN BLOCK 26, WOODLAWN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: CITY OF EL PASO. AV05001**

Motion duly made by Representative Lozano, seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

.....  
Motion made by Representative Byrd, seconded by Representative Steve Ortega and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:55 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 following:

- A. Patricia Negrete, et al vs. City of El Paso; Cause No. 2005-2463 in the 120<sup>th</sup> District Court (551.071)**

- B. Discussion and action on the claim of Willie Morales/IT/L0019 (551.071)
- C. Discussion and action on the claim of Samuel A. Gurrola/Police/L0142 (551.07)
- D. Discussion and action on the claim of Salvador Rodriguez/SWM/L0053 (551.071)
- E. Discussion and action on the claim of Sandra Fernandez, Our File No. 03-C-261 (551.071)

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Castro and carried to **ADJOURN** the Executive Session at 12:14 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

Representatives Lozano, Presi Ortega, Jr., and Holguin were not present for the vote.

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and unanimously carried that the City Attorney be authorized to negotiate settlement agreement and sign all documents to resolve the lawsuit styled *Patricia Negrete, et al vs. City of El Paso*; Cause No. 2005-2463 in the 120th District Court

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the City Attorney's Office be authorized to reject claimant's settlement demand, be authorized settlement authority and to sign all documents in the claim entitled *Willie Morales/IT/L0019*.

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the claim of *Samuel A. Gurrola/Police/L0019* be **DENIED** as recommended by the City Attorney's Office.

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the claim of *Salvador Rodriguez/SWM/L0053* be **DENIED** as recommended by the City Attorney's Office.

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the City Attorney's Office be authorized to reject claimant's settlement demand in the claim of *Sandra Fernandez, Our File 03-C-261*.

.....  
**ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to delete the discussion and action regarding claims related to Rita Rodriguez litigation (551.071)

.....  
 Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried to adjourn this meeting at 12:18 p.m.

.....  
**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk