

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
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 11, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Jose Alexandro Lozano, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:37 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:38 a.m. during Executive Session deliberations, and Susannah M. Byrd at 8:41 a.m. during Executive Session deliberations. 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. **OLD FASHION COMMUNITY CHRISTMAS WEEK**
2. **SIXTEENTH ANNUAL POSADA FESTIVAL**
3. **SENIOR ALL-STAR FOOTBALL CLASSIC WEEK**
4. **YOUTH FOR HUMAN RIGHTS WEEK**

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Motion made by Mayor Pro Tempore Lozano, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 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:

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|-----------------|--|
| 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 Lilly, Byrd and Castro

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:36 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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EX1. Application of El Paso Electric Company for Certificate of Convenience and Necessity for Combined Cycle Generation Station - Newman 5, before the Public Utilities Commission of Texas, SOAH Docket No. 473-07-3572, Docket No. 34494.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all documents to resolve the Application of El Paso Electric Co. for Certificate of Convenience and Necessity for Combined Cycle Generation Station - Newman 5, before the Public Utilities Commission of Texas, SOAH Docket No. 473-07-3572, Docket No. 34494.

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

NAYS: Representatives Castro, Quintana, and Holguin

ABSTAIN: Representative Lozano

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EX2. Discussion and action regarding legal matters related to proposed Texas Gas Service 2007 rate change.

NO ACTION was taken on this item.

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EX3. Maria Provencio vs. El Paso City-County Health and Environmental District, Cause No. 2006-4559, 346th Judicial District Court.

NO ACTION was taken on this item.

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ADDITION TO THE AGENDA

EX1. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried that the City of El Paso hereby grants its outside counsel **SETTLEMENT AUTHORITY** in relation to the City's Proof of Claim in the Asarco LLC bankruptcy proceeding (Case Number 05-21207) in the United States Bankruptcy Court, Southern District of Texas, regarding the Particulate Matter Reduction Project (Paving Contract) Claim; and that the City Manager and the City's Outside Counsel be authorized to execute and file any and all documents related to such proposed settlement.

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Motion made by Mayor Pro Tempore Lozano, seconded by Representative O'Rourke, 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 December 4, 2007.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

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

That the City Manager be authorized to sign a Temporary Easement for Construction to grant J.D. Abrams, L.P. access to property managed by the El Paso International Airport for the construction of the Spur 601 Project.

Mayor Cook and Representatives Quintana and Ortega commented.

The following members of City staff commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Pat Abeln, Director of Aviation
- 3. Mr. Raymond Telles, Assistant City Attorney, gave legal advice.

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3B.

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

That the City Manager be authorized to sign a Lessor’s Ratification and Approval of Assignments whereby the City of El Paso: (i) ratifies the assignment of the Butterfield Trail Industrial Park Lease Agreement by Canyon State Oil Company, Inc. to the Thomas F. Arndt Trust Agreement, Originally Dated June 1, 2005; and (ii) authorizes the assignment of the referenced Butterfield Industrial Park Lease Agreement to Donald G. Vise for the following described property:

A portion of Lot 1, Block 10, Butterfield Trail Industrial Park Unit 2, City of El Paso, El Paso County, Texas, which is municipally known and numbered as #26 Butterfield Trail, El Paso, Texas.

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3C.

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

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for a portion of Lot 49, Block 4 Summerfield Unit City of El Paso, El Paso County, Texas to provide electrical service to Summerfield Unit 2.

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3D. **RESOLUTION**

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing the City Manager to sign a Professional Services Agreement between the City of El Paso and Camp Dresser & McKee Inc., a Massachusetts Corporation, to perform consulting services for a project known as “Airfield Pavement Maintenance and Management Study” in an amount not to exceed \$441,642.

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3E.

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

WHEREAS, the City awarded Contract No. 2004-159R to Coast to Coast Hockey, Inc., on May 11, 2004, for Hockey Concession for Parks & Recreation-Nations Tobin Recreation Center; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract;
and

WHEREAS, pursuant to Section II 14A Remuneration and Section III, 3B Taxes, Insurance, Licenses of the Contract, the City is authorized to terminate the Contract in the event of default by the Company; and

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

That the Purchasing Manager is authorized to notify Coast to Coast Hockey, Inc, that the City is terminating Contract No. 2004-159R for default pursuant to the provisions and requirements of Section II 14A Remuneration and Section III, 3B Taxes, Insurance, Licenses of the contract clauses due to failure to pay monthly concession fees and provide liability insurance, and that the termination shall be effective as of December 11, 2007.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager commented.

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3F.

***RESOLUTION**

That the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso City-County Health and Environmental District whereby the City may purchase goods and services from any of the vendors which contracts were bid and awarded by the District or which were acquired through purchase orders or any other legal instrument prior to the District's dissolution in order that City may continue to provide health services under the new Department of Public Health.

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3G.

***RESOLUTION**

That the City Manager be authorized to sign a Renewal of Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at Austin ("UT"), executed on February 20, 2007, to extend the Agreement for an additional one year.

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3H.

***RESOLUTION**

That the City Manager be authorized to sign an Agreement between the City of El Paso and Sexual Trauma and Assault Response Services to provide outreach emergency counseling and follow-up public health services for the reported victims of sexual assault in the annual amount of \$70,000. The term of this Agreement shall be from September 1, 2007, through August 31, 2010.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** James P. Maloney to the Airport Board by Representative Melina Castro, District 4.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Joseph Jimenez to the Information Technology Advisory Board by Representative Rachel Quintana, District 5.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Heinrich Uhrmacher to the Foster Grandparent Program Advisory Council by Representative Melina Castro, District 4.

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6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to Dell under a Department of Information Resources (DIR) Contract SDD-192 for the purchase of computer hardware and software that supports the capability of in-field reporting from its patrol cars. Participation by the City of El Paso in the State of Texas DIR Program was approved by Mayor and Council on March 6, 2007.

Department: Police
Account No.: 21150060 – 16371 – 508010 - 500231
Funding Source: Confiscated Drug Funding
Total Estimated Award: \$124,071.16
Reference No.: 2008-075

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6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City’s option to extend current Contract 2006-040 (Kawasaki Motorcycle Parts and Service) with Edge Kawasaki for two additional years pursuant to the provisions to an award approved by City Council on January 3, 2006. Contract period is January 3, 2009, through January 2, 2011.

Department: General Services
Option: Two [of Two]
Total Estimated Amount: \$120,000 (2-year extension)
Account No.: 37370510 – 45202 - 503125
Funding Source: General Services, Internal Service Fund

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

Mr. Terrence Freiburg, Purchasing Manager commented.

Ms. Lisa Turner, citizen, commented.

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7. BEST VALUE PROCUREMENT

***1st MOTION**

Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA.**

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **AWARD** Best Value Procurement Solicitation No. 2008-019 (Mailing Services-Municipal Court) to Go Direct Mailing Marketing in the amount of \$475,760 as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation.

Department: Municipal Clerk
Award to: Go Direct Mailing Marketing

Item: El Paso, Texas
 Amount: 1
 Amount: \$405,000 estimated for 3 years
 Option Items: 1 & 2
 Amount: \$70,760 one time
 Account No.: 11010011-01101-504003 and 21150060-16371-502116, Project 500231
 Funding Source: Municipal Clerk, Operating Funds, Postage and Federal Confiscated Funds, Promotional Services
 Total Estimated Award: \$475,760

This is a thirty-six month contract with the no option to renew.

The Departments of Financial Services, Purchasing Division, Municipal Clerk and Municipal Court, and El Paso Police and their committees recommend award as indicated to the vendor offering the best value bid.

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

Representatives Quintana, Ortega, Byrd, Castro, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Momsen, Municipal Clerk
3. Mr. Terrence Freiburg, Purchasing Manager
4. Ms. Carmen Arrieta-Candelaria, Financial Services Chief Financial Officer

Mr. Ronald Harris, H & H Diner Tree, Inc., and Ms. Lisa Turner, citizen, commented.

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8A. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the Introduction of an Ordinance amending Title 13, El Paso City Code (Streets, Sidewalks, and Public Places) by deleting Chapter 13.40, Graffiti Abatement, in its entirety.

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8B & 8E- 8P. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, 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:

- B.** An Ordinance repealing Ordinance numbers 014836 and 015008 for the purpose of abolishing the Development Coordinating Committee and amending Title 19 (Subdivisions) of the El Paso City Code to delete all references to the Development Coordinating Committee and the Subdivision Coordinating Committee and to establish the Development Review Committee. The penalty is as provided in Chapter 19.04.090 of the El Paso City Code.
- E.** 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 a new location on Trawood Drive between Pico Alto Drive and Yarbrough Drive, both sides. The penalty being as provided in Section 12.84.010 of the El Paso City Code.

- F. An Ordinance amending Title 17 (Housing) of the El Paso City Code to delete the sections under Article IV, Lodging Houses for persons of unsound mind.
- G. An Ordinance amending Title 7 (Animals) of the El Paso City Code to change the references to the City-County Health District to the Department of Public Health; to revise definitions; to correct Titles and Code References; and to revise the permitting and appeal processes prescribed in the Title; the penalty as is provided in Section 7.04.080 of the El Paso City Code.
- H. An Ordinance amending Title 3 (Revenue and Finance) of the El Paso City Code, Chapter 3.32 (Abandoned, Lost, Stolen, and Unclaimed Property), to change the reference to and assign the duties of the City-County Health District to the Department of Public Health.
- I. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code, Chapter 2.38 (Building and Standards Commission), to change the reference to and assign the duties of the City-County Health District to the Department of Environmental Services; the penalty as is provided in Section 2.38.080 of the El Paso City Code.
- J. An Ordinance amending Title 5 (Business Taxes, Licenses, and Regulations) of the El Paso City Code to change the references to and assign the duties of the City-County Health District to the Department of Public Health or the Department of Environmental Services, as appropriate; to revise definitions; to correct titles and code references; and to revise the permitting and appeal processes prescribed in Chapters 5.32 (Public Swimming Pool Licenses), 5.48 (Laundries), and 5.96 (Tattooing and Body Piercing Licenses); the penalty as is provided in sections 1.08.010 - 1.08.030, 5.32.160, and 5.96.110 of the El Paso City Code.
- K. An Ordinance amending Title 6 (Vehicles for Hire) of the El Paso City Code to change the references to the City-County Health District to the Department of Public Health; and to correct references made to the Department of State Health Services; the penalty as is provided in Sections 1.08.010 - 1.08.030 of the El Paso City Code.
- L. An Ordinance amending Title 9 (Health and Safety) of the El Paso City Code to change the references to the City-County Health and Environmental District; to assign the duties of the District to the Department of Public Health or the Department of Environmental Services, as appropriate; to revise definitions; to correct titles and Code references; to revise the permitting and appeal processes prescribed in the Title; to delete Section 9.84.040 (Vacation of Dangerous Buildings); and to correct references made in the Code to two state agencies; the penalty as is provided in Sections 9.04.390, 9.08.070, 9.12.890, 9.16.040, 9.24.050, 9.32.150, 9.38.060, 9.39.040, 9.44.330, 9.48.260, and 9.50.130 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 18, 2007, FOR ITEMS 8B AND 8E- 8L

- M. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 1A, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-5 (Residential) to S-D (Special Development); Parcel 2: a portion of Tract 1A and 12D, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, be changed from A-2 (Apartment) to C-1 (Commercial); and Parcel 3: a portion of Tracts 1A and 12D, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County,

Texas, be changed from R-5 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

- N. An Ordinance changing the zoning of Lot 22, Block 16, Del Norte Acres, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- O. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code to change the references to the City-County Health District to the Department of Environmental Services; and to correct references made to state agencies, specifically, the Department of State Health Services and the Texas Commission on Environmental Quality.
- P. An Ordinance amending Title 20 (Zoning) of the El Paso City Code to change the references to the City-County Health District to the Department of Public Health and the Department of Environmental Services, as appropriate; and to eliminate provisions requiring the City-County Health District to issue permits for processing and recycling collection facilities and reverse vending machines; the penalty is as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2008, FOR ITEMS 8M – 8P

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Motion made by Representative Byrd, seconded by Representative Lilly, and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED**, for public hearing:

- B. An Ordinance amending Ordinance No. 016528 to modify the boundaries of Tax Increment Reinvestment Zone Number 5, City of El Paso, Texas, to enlarge the boundaries of the existing zone to include an additional parcel in downtown El Paso: property located at 1001 and 1009 Magoffin Avenue, as more fully described herein; to modify the designation of the area of the zone and the description of the boundaries of the zone; and to amend other provisions of Ordinance No. 016528 related thereto.
- C. An Ordinance amending Ordinance No. 016528 to modify the boundaries of Tax Increment Reinvestment Zone Number 5, City of El Paso, Texas, to enlarge the boundaries of the existing zone to include additional parcels in downtown El Paso: the Insights Museum site and the area around San Jacinto Plaza, as more fully described herein; to modify the designation of the area of the zone and the description of the boundaries of the zone; and to amend other provisions of Ordinance No. 016528 related thereto.

AYES: Representatives Lilly, Byrd, Lozano and Ortega
NAYS: Representatives Castro, Quintana, and Holguin
ABSTAIN: Representative O'Rourke

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9. DEVELOPMENT AND INFRASTRUCUTRE SERVICES

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **APPROVE** Council Ratification of the following Storm 2006 professional services contracts. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Holguin, Ortega, and O'Rourke
NAYS: Representative Quintana

NOT PRESENT FOR THE VOTE: Representative Castro

Storm 2006 Infrastructure Repair/Reconstruction Progress Update September 18, 2007.

Design:

CH2M Hill, Inc. - First Amendment to original professional agreement shall provide additional design services for Storm 2006 projects. The projects include Colonia Escondida Drainage Improvements, and other Storm 2006 projects. The amendment shall extend contract value from \$725,000 to \$975,000.

CH2M Hill, Inc. - Second Amendment to original professional agreement shall provide additional design services for Storm 2006 projects. The projects include additional design services for Colonia Escondida Drainage Improvements, Cebada Pump Station Improvements, and Basin A Pump Station Improvements. The amendment shall extend contract value from \$975,000 to \$1,325,000.

Representatives Byrd, Lozano, Quintana, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer commented.

Mr. Ray Gilbert, citizen, commented.

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10A.

ORDINANCE 16788

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 4C, MOREHEAD BLOCK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1/SP/C (COMMERCIAL/SPECIAL PERMIT/CONDITION), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

- 1. Mr. Phillip Etiwe, Development Review Manager
- 2. Mr. Charlie McNabb, City Attorney
- 3. Ms. Lupe Cuellar, Assistant City Attorney

The following members of the public commented:

- 1. Mr. Lester Bennett
- 2. Mr. Roger O'Dell, Immanuel Baptist Church
- 3. Mr. Jose Jimenez, United Neighborhood Association
- 4. Ms. Beatriz Baeza

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representatives Castro and O'Rourke

2ND AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, 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 Lilly, Byrd, Lozano, Castro, Quintana, Holguin, 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 are hereby **ADOPTED AS REVISED**.

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10B.

ORDINANCE 16789

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 4E2 AND 4E9, BLOCK 55, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore 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: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, 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 are hereby **ADOPTED**.

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10C.

ORDINANCE 16790

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 2, BLOCK 8, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Lilly, O'Rourke, Byrd, Castro, Quintana, and Lozano commented.

The following members of the public commented:

- 1. Ms. Mary Frances Keisling
- 2. Mr. C.F. Jordan
- 3. Mr. Stewart Forbes
- 4. Mr. Bashar Abugalyon
- 5. Mr. Sam Phillips

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

2ND MOTION

Motion duly made by Representative Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED** with R-2 zoning for 2.5 homes per acre. 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, Holguin, Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representative Castro
 ABSTAIN: Representative Quintana

THE MOTION FAILED.

3RD MOTION

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

4TH AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Representative Byrd, that the Ordinance be **ADOPTED** with R-2 zoning for 2.5 homes per acre.. 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, Holguin, Ortega, and O'Rourke
 NAYS: None
 ABSTAIN: Representative Quintana

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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10D.

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **POSTPONE** for one week an Ordinance changing the zoning of Tract 6, Section 34, Block 79, Township 2, Texas and Pacific Railway, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Representatives Quintana and Byrd commented.

Mr. Phillip Etiwe, Development Manager for Development Services, commented, and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Javier Carrera, representing the applicant, commented.

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10E.

ORDINANCE 16791

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING PORTIONS OF TANGIER PLACE AND MALAGA PLACE AND A 20-FOOT ALLEY BETWEEN BLOCK A AND B AND SOUTH OF BLOCKS A AND B OF ZAMBRANO SUBDIVISION UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representatives Lozano and Ortega commented.

Mr. Phillip Etiwe, Development Manager for Development Services, commented.

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

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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The following items were taken together:

11A.

ORDINANCE 16792

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), SECTION 13.20.110 (BUS BENCH FRANCHISES), TO PROVIDE FOR THE GRANTING AND ADMINISTRATION OF BUS BENCH AND SHELTER FRANCHISES.**

11B.

ORDINANCE 16793

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE NO. 15615 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO BENCH ADS OF EL PASO, INC. TO PLACE BENCHES AT BUS STOPS ON CITY RIGHTS-OF-WAY PURSUANT TO THE EL PASO CITY CODE; THE PENALTIES BEING AS PROVIDED IN SECTION 13.20.110 OF THE EL PASO CITY CODE.**

11C.

ORDINANCE 16794

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE NO. 14003 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO PINNACLE MEDIA, L.L.C. TO PLACE BENCHES AT BUS STOPS ON CITY RIGHTS-OF-WAY PURSUANT TO THE EL PASO CITY CODE; THE PENALTIES BEING AS PROVIDED IN SECTION 13.20.110 OF THE EL PASO CITY CODE.**

11D.

ORDINANCE 16795

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE NO. 13857 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO OTTO H. MASER, JR. TO PLACE BENCHES AT BUS STOPS ON CITY RIGHTS-OF-WAY PURSUANT TO THE EL PASO CITY CODE; THE PENALTIES BEING AS PROVIDED IN SECTION 13.20.110 OF THE EL PASO CITY CODE.**

11E.

ORDINANCE 16796

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE NO. 13753 AND GRANTING A NEW NON-EXCLUSIVE FRANCHISE TO OLIVA MANUFACTURED HOME SALES, INC. D/B/A SOUTHWEST BENCH ADS TO PLACE BENCHES AT BUS STOPS ON CITY RIGHTS-OF-WAY PURSUANT TO THE EL PASO CITY CODE; THE PENALTIES BEING AS PROVIDED IN SECTION 13.20.110 OF THE EL PASO CITY CODE.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Raymond Telles, Assistant City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Tim Omick, Sun Metro Director, commented.

The following members of the public commented:

1. Mr. Robert Pearson
2. Mr. Joe Oliva, Southwest Bench Advertising
3. Mr. Tim Rich, Bench Ads of El Paso

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore Lozano, 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, Lozano, Castro, Quintana, Holguin, and O'Rourke

NAYS: None

ABSTAIN: Representative Ortega

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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12.

ORDINANCE 16797

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING EL PASO MUNICIPAL CODE TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.64 (CITY EMPLOYEE’S PENSION FUND), CHANGING SECTION 2.64.130 (PARTICIPATION IN PENSION SYSTEM – CITY-COUNTY HEALTH UNIT EMPLOYEES), TO ESTABLISH RULES RELATED TO SERVICE EARNED AS EMPLOYEES OF THE CITY-COUNTY HEALTH UNIT AND CHANGING SECTION 2.64.120 (PARTICIPATION IN PENSION SYSTEM – CIVIL SERVICE EMPLOYEES) TO SUNSET SUBSECTION “C” RELATING TO CITY-COUNTY HEALTH DISTRICT EMPLOYEES ON DECEMBER 31, 2007.**

Mr. Robert Ash, Pension Administrator commented.

Motion duly made by Representative 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 Byrd, Lozano, Holguin, Ortega, and O’Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lilly, Castro, and Quintana

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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13.

ORDINANCE 16798

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT HELD TEMPORARILY AT A LOCATION IN EL PASO, TEXAS, WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SEC. 11.253.**

Representative Holguin read a letter from State Representative Norma Chavez into the record.

Mayor Cook and Representative Byrd commented.

Motion duly made by Representative Holguin, seconded by Mayor Pro Tempore 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: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, 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 are hereby **ADOPTED**.

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14A. MAYOR AND COUNCIL

Discussion and action on the plan presented by Mujer Obrera regarding Centro Mayapán.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Lilly, Director of Community & Human Development

The following members of the public commented:

1. Ms. Zahira Casillas
2. Mr. Guillermo Glenn
3. Ms. Lisa Turner
4. Ms. Hilda Villegas
5. Ms. Irma Montoya
6. Mr. Refugio Arrieta
7. Ms. Yolanda Leyva
8. Ms. Eustolia Olivas
9. Mr. Carlos Marentes
10. Mr. Fernando Garcia
11. Ms. Maria Picard-Ami

1ST MOTION

*Motion made, seconded and unanimously carried to **MOVE TO THE FOREFRONT**.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

3RD AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Lozano, and carried to **AUTHORIZE** the City Manager to expend funds to review the plan on Centro Mayapán and come back to Council in 45 days with a recommendation from staff on further funding.

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

NAYS: Representatives Holguin and Ortega

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14B. MAYOR AND COUNCIL

1ST MOTION

*Motion made, seconded, and unanimously carried to **DELETE** the discussion and action on processes by Environmental Services to control inadvertent or illegal medical waste disposal at City landfills and ways to regulate commercial solid waste services in City limits.

2ND MOTION

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **RECONSIDER** the item.

3RD MOTION

Motion made by Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

4TH AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Byrd and unanimously carried to **POSTPONE** the item for one week.

Representatives Lilly, Castro, Quintana, and Ortega were not present for the vote.

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15.

R E S O L U T I O N

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Global Alternative Fuels, LLC, a Texas Limited Liability Company ("Applicant"), in relation to the Applicant's development of a BioDiesel Production Facility in El Paso, Texas.

Representatives Quintana, Byrd, and Castro commented.

Ms. Kathryn Dodson, Director of Economic Development, and Mr. Javier Gadney, Business Service Coordinator, commented.

Mr. Carlos Guzman, Global Alternative Fuels, commented.

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

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

NAYS: Representative Castro

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Lozano

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Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 2:58 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk