

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHIEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 30, 2013  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrival: Ann Morgan Lilly at 8:38 a.m. and Carl Robinson at 8:49 a.m. The invocation was given by CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. PRICE'S CREAMERIES MAY DAY CPR EVENT WITH THE CITY AND COUNTY FIRE DEPARTMENTS, THE AMERICAN RED CROSS AND THE DROWNING PREVENTION COALITION
2. GENTX DAY

**RECOGNITIONS**

1. CITY EMPLOYEES

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

- Mr. Javier Perez - - 25 years
- Mr. Russell W. Still - 25 years
- Ms. Guadalupe Martinez - 25 years
- Mr. Julian J. Chavez - 25 years
- Mr. Adolfo Marmolejo - 30 years
- Ms. Teresa Hernandez-Chavira - 25 years
- Mr. Jose I. Rodriguez - 25 years

2. EL PASO ZOO - ACCREDITATION BY THE ASSOCIATION OF ZOOS AND AQUARIUMS APRIL 2013

**CALL TO THE PUBLIC – PUBLIC COMMENT**

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at [https://www.elpasotexas.gov/muni\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/muni_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 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. Wally Cech
2. Ms. Lisa Turner

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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, Robinson, Noe, Holguin, Ortega, and Niland

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 April 23, 2013.

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

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

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a License Agreement by and between the City of El Paso and United Service Organizations, Inc. which will allow an USO-sponsored military lounge at the El Paso International Airport Terminal to be used by United States military personnel while traveling.

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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to the General Aviation Commercial Ground Lease between the City of El Paso ("Lessor") and TJW Aviation, LLC ("Lessee") to include a flight school and flight instruction as a permitted general aviation commercial activity for the premises located at 1776 American Drive, El Paso, Texas.

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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Sublease by and among the City of El Paso ("Lessor"), TJW Aviation, LLC ("Lessee"), Advanced Aircraft Services ("Sublessee") and Aviation Parts whereby Aviation Parts will sublease a portion of the premises located at 1776 American Drive., El Paso, Texas from the Sublessee.

3D.

**\*RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Sublease by and among the City of El Paso ("Lessor"), TJW Aviation, LLC ("Lessee"), Advanced Aircraft Services ("Sublessee"), and Joe's Flight School which will allow Joe's Flight School to sublease a portion of the premises located at 1776 American Drive., El Paso, Texas from Sublessee.

3E1.

**\*RESOLUTION**

WHEREAS, Splendid Sun Productions, LLC (hereinafter referred to as "Grantee") is sponsoring The Neon Desert Music Festival from 6:00 pm Friday, May 24, 2013 through 10:00 pm Monday, May 27, 2013 (hereinafter referred to as "Event"); and

WHEREAS, the Grantee has authorized Crave Kitchen and Bar (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Oregon Street between Missouri Avenue and Texas Avenue, Franklin Avenue between Santa Fe Street and Mesa Street, Main Drive between Oregon Street and Mesa Street, Mills Avenue between Oregon Street and Mesa Street, Mesa Street between Franklin Avenue and Mills Avenue, and El Paso Street between Main Drive and Franklin Avenue from 6:00 pm Friday, May 24, 2013 to 10:00 pm Monday, May 27, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to utilize Cleveland Square Park and San Jacinto Plaza between the hours of 1:00 am and 5:00 am Saturday, May 25, 2013, Sunday, May 26, 2013, and Monday, May 27, 2013 in conjunction with the Event; and

WHEREAS, the Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of Cleveland Square Park and San Jacinto Plaza during regular park hours in conjunction with the Event; and

WHEREAS, both the Grantee and Licensee desire to provide for the sale and service of alcoholic beverages on the closed portions of City rights-of-way, Cleveland Square Park and San Jacinto Plaza during the Event; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages during the City Event.

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

That Splendid Sun Productions, LLC and Crave Kitchen and Bar be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 1:00 am to 5:00 am Saturday, May 25, 2013, Sunday, May 26, 2013, and Monday, May 27, 2013. The sale and service of alcoholic beverages by Splendid Sun Productions, LLC and Crave Kitchen and Bar, in the closed portions of City rights-of-way on Oregon Street between Missouri Avenue and Texas Avenue, Franklin Avenue between Santa Fe Street and Mesa Street, Main Drive between Oregon Street and Mesa Street, Mills Avenue between Oregon Street and Mesa Street, Mesa Street between Franklin Avenue and Mills Avenue, and El Paso Street between Main Drive and Franklin Avenue, in Cleveland Square Park and San Jacinto Plaza from 11:00 am Saturday, May 25, 2013 to 2:00 am Sunday, May 26, 2013 is a permissible activity in conjunction with The Neon Desert Music Festival.

3E2.

**\*RESOLUTION**

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has granted Splendid Sun Productions, LLC permission to utilize City rights-of-way for the Neon Desert Music Festival from 6:00 pm Friday, May 24, 2013 through 10:00 pm Monday, May 27, 2013 (hereinafter referred to as "Event"); and

WHEREAS, The City has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit within El Paso, Texas; and

WHEREAS, The Event will utilize both City and State rights-of-way; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A)

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

That the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated Mesa Street (SH 20), during the Neon Desert Music Festival from 6:00 pm Friday, May 24, 2013 through 10:00 pm Monday, May 27, 2013, an event scheduled to exceed four hours in length and found by the City to serve a public purpose.

3F.

**\*RESOLUTION**

That the City Manager be authorized to sign an Agreement for Plan Review and Inspection Services by and between the CITY OF EL PASO ("City") and the EL PASO ELECTRIC COMPANY ("EPEC") whereby the City shall perform plan review and inspection services for the EPEC's new Operations Facility proposed for construction in the City's Extra Territorial Jurisdiction.

3G.

**\*RESOLUTION**

That the Mayor be authorized to sign an Interlocal between the City of El Paso and the County of El Paso, Texas (the "County"), for the County to provide solid waste collection services at no cost to the City in those areas of City's extraterritorial jurisdiction that receive water from a County water system.

3H.

**\*RESOLUTION**

That the City Manager be authorized to sign a Letter Agreement between the City of El Paso, a home rule municipal corporation (the "CITY") and the Whatcom Museum ("Museum") for the booking of the exhibition Vanishing Ice: Alpine and Polar Landscapes in Art, 1775-2012 to be located at the El Paso Museum of Art from June 1, 2014 through August 24, 2014.

31.

**\*RESOLUTION**

WHEREAS, the El Paso City Council finds auto theft, burglary and other border criminal activity threaten the peace and security for the citizens of El Paso; and

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso to apply for, submit, accept, reject, and amend the Auto Burglary & Theft Prevention Authority (ABTPA) grant project to the Texas Department of Motor Vehicle for period September 1, 2013—August 31, 2014.

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

1. That the El Paso City Council approves submission of the grant application to the Auto Burglary & Theft Prevention Authority ("ABTPA") for the benefit of the El Paso Police Department's Auto Theft Task Force, also known as El Paso County Auto Burglary and Theft Prevention Task Force.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$1,730,605.00 from Auto Theft & Burglary Authority to the El Paso Police Department for purpose of continuing the efforts of the El Paso Police Department's against auto theft and related crimes the City of El Paso.
3. The City of El Paso agrees to provide a cash match in the amount of \$443,688.00, and in-kind match in the amount of \$1,691,771.00.
4. The City Manager be authorized to accept the grant award including all understandings and assurances contained therein.
5. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.
6. The El Paso City Council agrees that in the event of loss or misuse of the funds, the El Paso City Council assures that the funds will be returned to the Texas Department of Motor Vehicle in full.

**4. NOTATION OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on March 25, 2013, in the amount of \$5,000 from E. C. Houghton, Jr.; in the amount of \$2,000 from Marlene and J.O. Stewart, Jr. ; on March 28, 2013, in the amount of \$500 from Joel Guzman; on March 29, 2013, in the amount of \$750 from Ronald Wallace; in the amount of \$1,000 from Robert Wingo; on April 1, 2013, in the amount of \$500 from M. Nicole and Rafael A. Adame, Jr.; in the amount of \$500 from Jorge Hernandez; in the amount of \$500 from Thomas Mayr; in the amount of \$2,500 from J W Rogers, Jr.; in the amount of \$500 from Phillip Rothstein; on April 2, 2013, in the amount of \$700 from Scott Adkins; in the amount of \$500 from Chris A. Cummings; in the amount of \$1,000 from Dr. Manuel C. and Francoise Feliberti; and in the amount of \$1,000 from Leonard Goodman, III.

**5. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2013-086 for Park Pond Improvements Group 1 – Galtzan Park to Spartan Construction of New Mexico, LLC, for an estimated total amount of 461,963.69.

Department: Engineering and Construction Management  
 Award to: Spartan Construction of New Mexico, LLC  
 El Paso, TX  
 Option II: \$461,963.69  
 Total Estimated Award: \$461,963.69  
 Time for Completion: 150 Consecutive Calendar Days  
 Accounts: 190-28340-580270-4560-PCP12PRK01D0 – (City)  
 190-38030-580270-4970-PCP12PRK01D0 – (EPWU)  
 Funding Source: 2012-2013 Certificates of Obligation – CIP Plan,  
 El Paso Water Utilities – Storm Water  
 District:8

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering & Construction Management Department recommends award as indicated to the lowest responsive and responsible bidder.

**6A. – 6E. INTRODUCTIONS**

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

- 6A. An Ordinance annexing the following real property described as a portion of Cherrington Street, southerly of Vista Del Sol Drive, within Gateway Estates, El Paso County, Texas. Subject Property: south of the Intersection of Vista Del Sol Drive and Cherrington Street, Property Owner: County of El Paso SUAX12-00001 (**East ETJ**)
- 6B. An Ordinance vacating a a portion of San Francisco Street as shown on the Mills map and Campbell's Addition, City of El Paso, El Paso County, Texas. SURW13-00011

**PUBLIC HEARING WILL BE HELD ON MAY 7, 2013, FOR ITEMS 6A – 6B**

- 6C. An Ordinance granting Special Permit No. PZST12-00024, to allow for a 100% Parking Reduction and Infill Development with reduced rear, side, and side street yard setbacks on the property described as Lots 15-16, Block 88, Bassett Addition, City of El Paso, El Paso County, Texas, Pursuant to Section 20.04.320 Special Permit and 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 2500 Montana Avenue. Property Owner: AVSS Technologies, LLC. PZST12-00024

**6E.** An Ordinance granting Special Permit No. PZST13-00006, to allow for Infill Development with reduced lot area, lot width, and cumulative front/rear yard setbacks on the property described as Lots 26-28, Block 3, Sahara Subdivision, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9915, 9919, and 9923 Taj Mahal Street. Property Owner: David Velasco. PZST13-00006

Motion made by Representative Niland, seconded by Representative Byrd, 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:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Niland

NAYS: None

ABSTAIN: Representative Ortega

**6D.** An Ordinance granting Special Permit No. PZST13-00002, to allow for a helistop on the property described as Lots 6-15, Block 91, Alexander Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.240 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1800 N. Oregon Street. Property Owner: HCA Health Service. PZST13-00002

**PUBLIC HEARING WILL BE HELD ON MAY 21, 2013, FOR ITEMS 6C – 6E**

**7. FINANCIAL SERVICES**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** Solicitation No. 2013-111R (Single Space Parking Meters) to Duncan Parking Technologies, Inc. for a total estimated award of \$1,107,550.

Department:	International Bridges
Award to:	Duncan Parking Technologies, Inc. Milwaukee, WI
Item(s):	All
Initial Term:	3 Years
Option:	3 Years
Initial Estimated Amount:	\$1,107,550.00 (Meter Mechanism & Components, Vehicle Sensors and 3 Years License, Maintenance and Transaction Fees)
Total Option:	\$ 342,900.00 (License, Maintenance and Transaction Fees)
Total Estimated Award:	\$1,450,450.00 (6 Years)
Account No.:	Internal Financing through the Bridges Enterprise Fund
Funding Source:	Internal Financing through the Bridges Enterprise Fund

This is a Request for Proposal (RFP), service contract.

That the City Council authorizes the City Manager to execute any and all documents related to this transaction to include budget transfers and accounting entries to recover those costs that can be capitalized over a period not to exceed the life of those assets being acquired.

The Financial Services - Purchasing Division and International Bridges recommend award as indicated to Duncan Parking Technologies, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

Mr. Said Larbi-Cherif, Director of International Bridges, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Lilly, Robinson, Ortega and Niland commented.

The following members of the public commented:

1. Mr. Brad McGee, Regional Vice President of Duncan Parking Technologies, Inc.
2. Mr. Mike McLean

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Ms. Sylvia Firth, City Attorney, gave legal advice.

8.

**ORDINANCE 17992**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017886 WHICH AMENDED TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.32 (PEDESTRIANS) OF THE EL PASO CITY CODE BY REPEALING SECTION 12.32.060 (SOLICITING RIDES OR BUSINESS-PROHIBITIONS) AND ADOPTED A NEW SECTION 12.32.063 (SOLICITATION PROHIBITIONS) TO AMEND SECTION 12.32.063(A) (DEFINITIONS) BY AMENDING THE DEFINITION OF AGGRESSIVE MANNER AND ADDING DEFINITIONS OF "INTIMIDATE" AND "THREATENING CONDUCT", AND AMEND SECTION 12.43.063(B)(1)(B) BY DELETING SECTIONS 12.43.063(B)(1)(B)(I-VII) & (IX-X).**

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

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

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

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
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**.

Mayor Cook and Representatives Byrd, Acosta, Robinson, Ortega and Niland commented.

Ms. Linda Senchowey, citizen, commented.

The following City staff members commented:

Mr. Kenneth Krohn, Assistant City Attorney, read revision into the record.

Mr. David Almonte, Deputy City Manager

Ms. Sylvia Firth, City Attorney, gave legal advice.

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**9A. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

Mr. Charlie Wakeem, citizen, commented.

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**9B. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

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**9C.**

Motion made by Representative Niland, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** five weeks the public hearing on an Ordinance granting Special Permit No. PZST12-00025, to allow for a transitional housing facility on the property described as Lots 11 - 13, Block 273, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1020 Campbell Street. Property Owner: La Posada Home, Inc. PZST12-00025

Representative Niland commented.

The following City staff members commented:

Ms. Joyce Wilson, City Manager

Ms. Sylvia Firth, City Attorney, gave legal advice.

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**9D.**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of all of Tract 3C, Block 47, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) 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. Subject Property: 9399 Alameda Avenue. Property Owner: Kathleen Louise Key. PZRZ12-00040

**9E. CITY DEVELOPMENT**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance granting Special Permit No. PZST12-00018, to allow for infill development with reduced rear setback on the property described as a portion of Lots 30 through 32, Block 117, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1216 Copia Street. Property Owner: Victor M. Olivas and Estela Herrera. PZST12-00018

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented.

**9F.**

**ORDINANCE 17993**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 6, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-MD (PLANNED MOUNTAIN DEVELOPMENT) TO Q (QUARRY) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF TRANSMOUNTAIN ROAD AND EAST OF DESERT BOULEVARD. PROPERTY OWNER: JOBE MATERIALS, LP. PZRZ13-00005**

Motion duly made by Representative Acosta, seconded by Representative Robinson, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: Representative Byrd

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**.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Stanley Jobe, President, Jobe Materials LP., presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Charlie Wakeem, citizen, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Ortega, and Niland commented.

Representative Byrd declared that the applicant, Stanley Jobe, contributed \$250 to her campaign for the school board race.

Representative Robinson declared that the applicant, Stanley Jobe, contributed to his campaign for District 4 City Representative for the May 11, 2013 election.

The following members of the public commented:

1. Mr. Charlie Wakeem
2. Mr. Richard Teschner
3. Ms. Judy Ackerman
4. Mr. Stanley Jobe, President, Jobe Materials LP
5. Ms. Lisa Turner
6. Mr. Ralph Richards, Vice President and General Counsel, Jobe Materials LP

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9G.

**ORDINANCE 17994**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 2, BLOCK 1, KEYSTONE BUSINESS PARK REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I/SC (PLANNED INDUSTRIAL/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 4529 OSBORNE DRIVE. PROPERTY OWNER: LUIS R. DESTEFANO. PZRZ12-00025**

Motion duly made by Representative Niland, seconded by Representative Byrd, 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, Robinson, Noe, Holguin, Ortega and Niland  
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**.

Representative Niland commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

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9H.

**ORDINANCE 17995**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, SUNNYFIELDS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 7704 ALAMEDA AVENUE. PROPERTY OWNER: ROBERTO PACHECO. PZRZ12-00037**

Motion duly made by Representative Ortega, seconded by Representative Acosta, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Representative Ortega commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

**9I. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the public hearing on an Ordinance changing the zoning of the following legally described 586.04 acre tract of land including all of the Alamo Heights Subdivision; a portion of Blocks 70 and 71, and closed street between Blocks 73 through 101 of the Bassett Addition; all of Memorial Park; all of the Castle Heights Subdivision; Blocks 5, 7, 8, 16, 17, 19 and 20 of the Cotton Addition; all of the Supplemental Map of the Cotton Place Addition Replat 2, except Blocks 22, 23, and 31 through 35; Blocks 33 through 35, 45 through 48, 60 through 69, 76 through 85, 92 through 107, 120 through 123, 132 through 134, and 141 through 144 of Supplemental Map No. 1 of East El Paso; Blocks 21½ through 26, 35 through 40, 50 through 55, and 64 through 66 of the Highland Park Addition; Blocks 25 through 39 of the Manhattan Heights Addition; and all streets, alleys, highway and railroad right of ways located within these limits, all being located within the corporate limits of the City of El Paso, El Paso County, Texas from their current zoning district to SCZ (SmartCode Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ13-00004

**9J. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the public hearing on an Ordinance changing the zoning of the following legally described 528.58 acre tract of land including Kennedy Brothers Memorial; Gall Subdivision; Tracts 16A, 16B, 16C, 16D, 20, 20A, 21A, 21A1, 21B, 21B1, 21C, 21C1, 21C1C1, 21C1D, 21C1C2, 21C1B, 21C1B1, 21D, 21D1, 21E, 21E1, 21F, 21F1, 22A, 22B, 22B1, 22B1A, 23A, 23B, 23B1, 23B2, 23C, 23D, 28A, 28A1, 28B, 28C, 28D, 30B, 30C, Block 8, Ysleta Grant; Tracts 13A, 13B, 13D, Block 35 Ysleta Grant; Tract 26, Block 36, Ysleta Grant; Tracts 2, 3A, 3C, 3D, 3E, 4A, 5, 6A, 6B, 7A, 7B, 8A, 8B, 8C, 8D, 8E, 8F, 8F1, 8G, 8H, 8J, 8K, 10, 11A, 11B, 11B1, 11C, 11D, 11E, 11E1, 11E2, 11E1A, 11E1B, 11F, 11G, 11J, 11K, 11L, 11M, 11N, 11P, 11P1, 11R, 11S, 11T, 11U, 12, 12A, 13A, 13C, 13H, 14, 15, 16, 17, 17A, 18, 19, 19A, 20, 21A, 21B, 22B, 29A, 29B, 29B1, 29B1A, 29B1B, 29B1C, 29B1D, 29C, 30A, 30B, 30C, 32B, 32D, 33A, 33B, 34A, 34B, 35A, 35B, 37A, 38, 39A, 39B, 39C, 40, 41, 43, 44, 45, 46A, 46B, 46C, 46C1, Block 37, Ysleta Grant; Tracts 1, 2A, 2B1, 2B2, 2B3, 2B4, 2B5, 3A, 3B, 3C, 4A, 4C, 4C3, 4C4, 4C5, 4D, 4D1, 4D1A, 4D2, 4D2A, 4D3, 4D3A, 4D4, 4D4A, 4D5, 4D5A, 5, 18A, 18E, 18G, 18H, 19B, 19C, 19D, 19E, 19F, 19G, 19G1, 19G1B, 19H, 23A, 23B, 23B1, 23C, 23C1, 23D1, 24, Block 38, Ysleta Grant; Tracts 2, 3A, 3B, 3D, 4A, 4B, 4C, 4CA, 4C1B, 4D, 4D1, 4E, 4E1, 4F, 5C, 5C6, 6A, 6B, 6C1, 6C2, 7A, 8A, 8B, 9A, 9B, 10A, 10B, 10C, 10C1, 10C2, 10D, 10E, 10F, 10G, 10H, 11A, 11B, 12A, 12B, 12C, 13A, Block 39, Ysleta Grant; Tracts 3C, 3C1, 5B, 5C4, 5C6, Block 40, Ysleta Grant; Tracts 1, 2A, 2B, 3A, 3B, 3B1, 3B2, 3B3, 4B, 4D, 5, 6A, 6B, 7A2, 7B, 7C, 7D1, 7D, 7D2, 8A, 8A7, 8A9, 8A1, 8A1A, 8A2, 8A2A, 8A3, 8A4, 8A5, 8A6, 8A10, 8A11, 8K, 8M, 8O, 8S, 8V, 8U, 8Z, 8Y, 8W, 8W1, 8X, 8X1, 8X2, 8X5, 8X6, 8X3, 8X4, 9A, 9B, 9B1, 9B1B, 9B2, 9B3, 8B, 8B1, 8C, 8E, 8F, 8G, 8H, 8I, 8J, 8P, 8Q, 8T, 10C, 10C1, 10D, 10E, 11A, 11B, 12A, 12B, 12C1A, 12C1B, 12C3, 13, 14, 15, 16, 17A, 17B, 22F, Block 42, Ysleta Grant; Tracts 1A, 1B, 1C, 1D, 1D1, 1D2, 1D2A, 1D2C, 1E, 2, 3, 4, 5A, 5B1, 6A, 6B, 6C, 6D1, 6F, 6H, 6K, 6K1, 6J, 6I, 6L, 7A, 7C, 8, 9, 10, 12, 14A, 15, Block 43, Ysleta Grant; Tracts 1A, 1B1, 1C, 1D, 2A, 2B, 3, 4, 5, 6, 6A, 6B, 6C, 7A, 7B, 11B, 12, 13B, 13C, 13D, 15, 16, 17, 18, 19A, 19B, 19B1, 19C, 20, Block 44, Ysleta Grant; Tracts 1, 2A, 2B, 3, 5, 6, 7, 9B, 9B1, 9B2, 9B3, 9C, 10A, 10B, 10D, 10C, 10E, 11, 12A, 12B, 12C, 13, 14A, 14B, 15A, 15B1, 15B3, 16B, 16D, 16E, 16F, 16G, 16J, 23A, 23B, 24, 25A, 25B, 26, 27A, 28, 30A, 31, 32, 33A, 33C, 33B, Block 45, Ysleta Grant; Tracts 1A, 2A, 2C, 3A, 3B, 3D, 3E, 3F, 3F1, 3F2, 3F3, 3J, 3G, 3H, 5, 5A, 6, 7, 8A, 9B, 9C, 10B, 10B1, 10C1, 10C1A, 10C1B, 10C, 10C2, 10C3, 10C3A, 10C4, 10C5, 10C6, 10C7, 10C8, 10C8A, 10C9, 10C10, 10C11, 10C11A, 10C12, 10C12A, 10C13, 10C14, 10C14A, 10D, 10D1, 10D3, 10E, 10J, 10I, 10F, 10F1, 10G, 10H, 10I1, 10L, 10L1, 11, 12A, 12A1, 12A1A, 12B, 12C, 12C1, 12C1A, 12C2, 12C4, 12C5, 12C6, 12C4A, 12D2, 12D4, 12E, 12E2, 12G1A, 12G2, 12F, 12H, 12H1, 12H4, 12H5, 12H6, 12J, 12K, 12L, 12L1, 12L2, 12N, 12O, 12P, 12Q, 12R, 12R1, 12R1A,

12R2, 12S, 12S1, 12T, 12U, 12U1, 12U2, 12V, 12V1, 13A, 13A1, 14A1, 14B, 15A, 15B, 15B1, 15C, 15D, 16, 17A, 17A1, 18A, 18B, 18B1, 18C, 19, 20, 21, 22, 23A, 23A1, 23B, 23B1, 24, 24A, 25, 26, 27A, 27A1, 27C, 27D, 27D1, 28A, 28B, 28C, 29, 30, Block 46, Ysleta Grant; Tracts 6E, 6F, 6F1A, 6F1B, 6F2, 6F3, 6F3A, 6F2A, 6F2B, 6F2B1, 6F2B2, 6F2C, 6F4, 6F4A, 6F4B, 6F4B1, 6F5, 6F5A, 7A1, 7A2, 7B, Block 47, Ysleta Grant; Tracts 1B, 2, 2A, 3A, 3B, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4J, 4K, 5B, 7, 8, 9A, 11A, 12, 13A, 13B, 15, 18, 19A, 9A1, 19B, 19B1, 20, 21, 22, Block 48, Ysleta Grant; Tracts 10, 11, 12, 12A, 12A1, 12B, 12D, 13, Block 49, Ysleta Grant; Apodaca Subdivision; Lots 55 through 74, a portion of Lot 1, Lots 2 through 25, and Lots 49 through 54, Alexander Addition to Ysleta; Lone Star Subdivision; Estrada Replat A; Valumbrosa, Lots 1 through 11, Lots 13 through 33, Lots 34 through 42, Block 1, and Lots 12 through 21, Block 2; Valumbrosa Replat; Home Improvement No. 1; Home Improvement No. 2; Indian Town Subdivision; Frymuth Subdivision; J.R. Lopez Subdivision; Lots 1 through 16, Lots 17 through 32, and Lots 33 through 49, North Valumbrosa; Lots 101 through 110, North Valumbrosa No. 2; a portion of Tract 1 and Tracts 2 through 10, Franklin Place; a portion of Tract 11 and Tracts 12 through 22, Franklin Place Replat; Tracts 25 through 31 and Tracts 16 through 24, Sunland Gardens; Tracts 3 through 17 and Tracts 18 through 33, Block B, Spohr Addition; Tract 12 and a portion of Tract 13, Spohr Addition; Arizona Subdivision; Lydia Dixon; Lydia Dixon No. 2; Gemotes; Shanks Carpenter; Shanks Carpenter Replat A; Yoshida Subdivision; Lots 1 through 5, Block 1, and a portion of Lot 25, Block 1, and Lots 4, 5, and 6, Block 2, Frutas Place; Pullman Subdivision; Harris Subdivision; Carpenter & Ammons; Trice; Phelps; Phelps Replat of Lot A; Valle Hermosa; and a portion of Lot 2, Block 24, Capistrano Park Unit Four as described in Volume 1279, Page 1443 and Volume 2379, Page 2053, Real Property Records of El Paso County, Texas, from their current zoning district to SCZ (SmartCode Zone); the penalty is as provided for in Chapter 21.60 of the El Paso City Code. Property Owner: Multiple. PZRZ12-00036

Mayor Cook and Representative Acosta commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

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9K.

**ORDINANCE 17996**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER FOR THE CONSTRUCTION, MAINTENANCE, USE AND REPAIR OF A SURFACE PARKING LOT WITHIN PORTIONS OF CITY RIGHT-OF-WAY ALONG ALBERTA AVENUE BENEATH THE RAYNOLDS STREET OVERPASS BRIDGE FOR A TERM OF FOUR YEARS WITH A RENEWABLE FOUR YEAR TERM FOLLOWED BY AN ADDITIONAL TWO YEAR TERM (NESV12-00039)**

Motion duly made by Representative Acosta, seconded by Representative Byrd, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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

Representative Acosta commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

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ITEMS TAKEN TOGETHER 10A – 10C

10A.

**ORDINANCE 17997**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A FRANCHISE TO DOMINION AMBULANCE, LLC TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Motion duly made by Representative Acosta, seconded by Representative Robinson, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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

Representative Acosta commented.

Mr. Sam Pena, Fire Chief, commented.

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**10B.**

**ORDINANCE 17998**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A FRANCHISE TO ELITE MEDICAL TRANSPORT OF TEXAS, LLC TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Motion duly made by Representative Acosta, seconded by Representative Robinson, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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

Representative Acosta commented.

Mr. Sam Pena, Fire Chief, commented.

.....  
**10C.**

**ORDINANCE 17999**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A FRANCHISE TO LIFE AMBULANCE SERVICE, INC. TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Motion duly made by Representative Acosta, seconded by Representative Robinson, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Representative Acosta commented.

Mr. Sam Pena, Fire Chief, commented.

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ITEMS TAKEN TOGETHER 11A1 – 11A3  
**11A1.**

**ORDINANCE 18000**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 016796, 016927, 016928, 016793, 016795, 016929 IN THEIR ENTIRETY, GRANTING A NON-EXCLUSIVE FRANCHISE TO EL PASO BENCH ADS, LLC, 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.**

Motion duly made by Representative Acosta, seconded by Representative Byrd, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Mr. Ismael B. Segovia, Transit-Oriented Development Project Manager, Mass Transit Department, commented.

.....  
**11A2.**

**ORDINANCE 18001**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016925 IN ITS ENTIRETY, GRANTING A NON-EXCLUSIVE FRANCHISE TO RIVER ELMS, LLC, 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.**

Motion duly made by Representative Acosta, seconded by Representative Byrd, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Mr. Ismael B. Segovia, Transit-Oriented Development Project Manager, Mass Transit Department, commented.

.....  
**11A3.**

**ORDINANCE 18002**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016794 IN ITS ENTIRETY, GRANTING A NON-EXCLUSIVE FRANCHISE TO PINNACLE MEDIA, LLC, 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.**

Motion duly made by Representative Acosta, seconded by Representative Byrd, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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

Mr. Ismael B. Segovia, Transit-Oriented Development Project Manager, Mass Transit Department, commented.

.....  
ITEMS TAKEN TOGETHER 12A – 12C AND 13A

**12A.**

**ORDINANCE 18003**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.44 (GRADING), SECTION 18.44.150 (WORK HOURS SPECIFIED), OF THE EL PASO CITY CODE, TO PROVIDE A PERMIT PROCESS FOR AFTER HOURS GRADING, THE PENALTY BEING AS PROVIDED IN SECTIONS 18.02.111 (VIOLATIONS AND PENALTIES) AND 18.44.201 (PENALTY – SEVERABILITY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Acosta, seconded by Representative Ortega, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland

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**.

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Robinson and Noe

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Aauto

.....  
**12B.**

**ORDINANCE 18004**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), OF THE EL PASO CITY CODE, TO ADD SECTION 18.02.105.20.1 ESTABLISHING CONSTRUCTION WORK HOURS AND PROVIDING A PERMIT PROCESS FOR AFTER HOURS CONSTRUCTION WORK, THE PENALTY BEING AS PROVIDED IN SECTION 18.02.111 (VIOLATIONS AND PENALTIES) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Acosta, seconded by Representative Ortega, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
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.**

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Robinson and Noe

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Aauto

.....  
**12C.**

**ORDINANCE 18005**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.40 (NOISE), SECTION 9.40.120 (EXEMPTIONS), PARAGRAPH D (EXEMPTIONS ASSOCIATED WITH CONSTRUCTION) OF THE EL PASO CITY CODE, TO AMEND THE EXEMPTION FOR CONSTRUCTION DURING ESTABLISHED CONSTRUCTION WORK HOURS AND TO PROVIDE A PERMIT PROCESS FOR EXEMPTION FOR CONSTRUCTION AFTER HOURS, LEGAL HOLIDAYS AND WEEKENDS, THE PENALTY BEING AS PROVIDED BY SECTION 9.40.140 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Acosta, seconded by Representative Ortega, 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, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
 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**.

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Robinson and Noe

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Aauto

.....  
**13A.**

**RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2013 BUDGET RESOLUTION**

WHEREAS, the City Council adopted the Budget Resolution for FY 2013 on August 21, 2012; and

WHEREAS, paragraph 45 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the City Council desires to establish the amounts of permit fees related to the newly established permits for After Hours Construction, After Hours Grading, and After Hours Noise Exemption.

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

That Schedule C, attached to the FY 2013 Budget Resolution and effective September 1, 2012, shall be amended as set forth in Attachment A to the Resolution Amending Schedule C for the City of El Paso FY 2013 Budget, to establish the amounts of permit fees related to the newly established permits for After Hours Construction, After Hours Grading and After Hours Noise Exemption and made necessary by the proposed revisions to Title 9 (Health and Safety) and Title 18 (Building and Construction).

**Attachment A  
 City Development Department**

Add the following lines in Schedule C, attached to the FY 2013 Budget Resolution

<u>Department</u>	<u>Account</u>	<u>Fee Description</u>	<u>Detail</u>	<u>City Code Section</u>	<u>Fee</u>
City Development	280-28370-	Building Permit	After Hours	18.02.105.20.2	\$72.00
	10000/441430	Construction/ After Hours Noise		Exemption Permit	After Hours Grading/

Mr. Victor Morrison-Vega, Deputy Director for Building Permits and Licenses, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Robinson and Noe commented.

The following members of the public commented:

1. Mr. Richard Dayoub
2. Mr. Ray Aauto

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

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**13B.**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **DENY** an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case PHAP12-00049 at 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representatives Byrd and Niland commented

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**13C.**

Presentation and discussion by Project Arriba on a mid-year report on status of fundraising activities during the fiscal year, use of grant funds and progress in the performance measures required under the agreement with the City of El Paso.

Mr. Marty Howell, Sustainability Program Manager, City Manager's office, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

Ms. Linda Senchowey, citizen, commented.

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

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**14.**

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

THAT the Mayor be authorized to sign an Agreement by and between the City of El Paso, a home rule municipal corporation (the "CITY") and Tigua Tribe of Ysleta del Sur Pueblo, Tribal Empowerment Department ("Tigua Tribe") to provide for an exhibition and educational opportunities at the El Paso Museum of History (the "Program"), which would serve the public purpose and governmental purpose of providing cultural experiences and enhances museum services to the residents and visitors of El Paso.

Ms. Julia Bussinger, Director, El Paso Museum of History, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook commented.

Mr. Javier Loera, War Captain and Historic Preservation Officer of the Tigua Tribe of Ysleta del Sur Pueblo, commented

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

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**15.**

Presentation and discussion on the 2nd Quarter Financial Report for FY 2013.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, Financial Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Stuart Ed, Director, General Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Jay Banasiak, Director, Mass Transit Department, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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

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**16.**

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to start a process to dispose of the two City owned properties located at 216 S. Florence Street and 700 W. San Francisco Street.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Noe

Representatives Byrd, Acosta, Ortega and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Peter Walish
  2. Mr. Russ Vanderburg
- .....

**ADDITION TO THE AGENDA**

1. Presentation and discussion: Report to Council on Animal Shelter Operations and Statistics.

Dr. Nina Cloud, Director, Animal Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Byrd, Acosta, Robinson, Holguin and Niland commented.

The following City staff members commented:

1. Mr. David Almonte, Deputy City Manager
2. Mr. Kurt Fenstermacher, Interim Director, Environmental Services

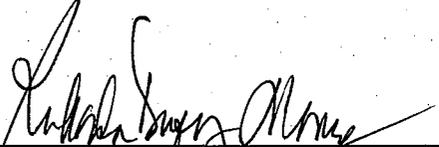
Ms. Barbara Valencia, citizen, commented.

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

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Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 2:22 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd and Noe  
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**APPROVED AS TO CONTENT:**

  
Richarda Duffy Mømsen, City Clerk