

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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
MAY 3, 2011
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Emma Acosta, Carl Robinson, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly and Susannah M. Byrd at 8:36 a.m. during Executive Session deliberations, and Rachel Quintana at 8:40 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. VASCULITIS AWARENESS MONTH**
- 2. STAMP OUT HUNGER DAY**
- 3. BETTER HEARING MONTH**
- 4. OSHA 40TH ANNIVERSARY**

RECOGNITIONS

KATHRYN B. DODSON - STAR ON THE MOUNTAIN AWARD

HANDGARDS® - STAR ON THE MOUNTAIN AWARD

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Roberto Castor
 2. Mr. Salvador Gomez
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Motion made by Representative Robinson, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:32 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd, and Quintana

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:11 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd, Acosta, Quintana, and Holguin

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EX1. Legal matters relating to the franchise agreement with ONEOK WestTex Transmission, LLC.
(551.071)

NO ACTION was taken on this item.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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EX2. Economic development related negotiations and possible incentives for business prospect GM-033111. (551.087)

Motion made Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Manager or her designee be authorized to continue to negotiate with the business prospect GM-033111 concerning economic development related negotiations and possible incentives to the business prospect, in accordance with staff recommendations, and upon completion of negotiations to present an incentive contract to City Council for consideration.

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Ortega

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EX3. Discussion and action regarding obstruction of City right-of-way adjacent to 2300 Red Sky Lane, purported owners Carlos and Maria Ceveria. (551.071 and 551.072)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City of El Paso authorizes the City Attorney to take any and all action necessary, both affirmative and

defensive, as necessary, against purported property owners Carlos and Maria Ceveria, or other responsible parties, in connection with the obstruction of City right-of-way adjacent to 2300 Red Sky Lane. This Motion is intended to grant broad authority to the City Attorney to take action necessary to address these matters, including but not limited to, the initiation and response to, litigation, complaints and any other administrative or judicial proceedings or process, in consultation with the City Manager.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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, 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 April 26, 2011.

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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 Fuel Farm Lease ("Lease") by and between the City of El Paso ("Lessor") and Trajen Flight Support, LP dba Atlantic Aviation ("Lessee") for the following described property:

All of Lot 35 and the West one-half (½) of Lot 36, Block 4, El Paso International Airport Tracts, Unit 1, El Paso, El Paso County, Texas, consisting of approximately 24,600 square feet, also municipally known and numbered as 7631 Boeing Drive, El Paso, Texas.

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3B.

***RESOLUTION**

WHEREAS, Special Events Management (hereinafter referred to as "Grantee") is sponsoring the El Paso Champagne Festival (hereinafter referred to as "Event"), from Thursday, May 5, 2011 to Sunday, May 8, 2011; and

WHEREAS, Bel Air Optimist Club of El Paso, Texas, Number 19 (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during 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 for portions of City rights-of-way

on Main Street between Santa Fe Street and El Paso Street, Arts Festival Plaza, and Sheldon Court between Mills Avenue and Santa Fe Street, in conjunction with the proposed 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, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on a portion of the City right-of-way during the Event;

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

That the Grantee and Licensee be authorized to provide for the sale and service of alcoholic beverages at the El Paso Champagne Festival in the closed portions of City rights-of-way on Main Street between Santa Fe Street and El Paso Street, Arts Festival Plaza, and Sheldon Court between Mills Avenue and Santa Fe Street from 5:00 pm Friday, May 6, 2011 to 2:00 am Saturday, May 7, 2011 and from 5:00 pm Saturday, May 7, 2011 to 2:00 am Sunday, May 8, 2011.

1ST MOTION

*Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE AS REVISED** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Quintana

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3C.

***RESOLUTION**

WHEREAS, Plum City Lounge (hereinafter referred to as "Grantees") is sponsoring an outdoor block party (hereinafter referred to as "Event"), from Friday, May 20, 2011 to Saturday, May 21, 2011; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on a portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 5:00 p.m. Friday, May 20, 2011, to 2:00 a.m. Saturday, May 21, 2011, in conjunction with the proposed Event; and

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

WHEREAS, the Grantees desire to provide for the sale and service of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and service of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 8:00 p.m. Friday, May 20, 2011 to 2:00 a.m. Saturday, May 21, 2011.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign an Underground and Transformer Pad Electrical Easement to the El Paso Electric Company for the purpose of providing electrical service for the Paseos Del Sol Park at 12599 Paseo Grande Drive. Said property being more particularly described as a portion of Lot 53, Block 6, Paseos Del Sol Unit 2 Amending, a subdivision in the City of El Paso, El Paso County, Texas.

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3E. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution amending the City of El Paso's Design Standards for Construction Manual, Section 3 (Streets), to require a minimum sidewalk width of 6 feet on street cross sections 3-1 through 3-9.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

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3F.

***RESOLUTION**

That the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso, on behalf of the El Paso Police Department and the County of El Paso, on behalf of the El Paso Juvenile Probation Department for the Serious Habitual Offenders Comprehensive Action Program (SHOCAP) – Gang Suppression. The Office of the Governor, Criminal Justice Division has awarded \$1,183,211 for this program. That the City Manager or her designee be authorized to sign and grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match is required.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rodney Haldon Hansen to the Ethics Review Commission by Representative Rachel Quintana, District 5.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jesus H. Bautista to the Civil Service Commission by Representative Rachel Quintana, District 5.

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DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the expenditure of \$425 of District 8 discretionary funds for tree planting in Sunset Heights, the expenditure of \$120 of District 8 discretionary funds for the Chamizal Car Show and the expenditure of \$210 of District 8 discretionary funds for South El Paso Community Garden tools.

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7. NOTICE OF CAMPAIGN CONTRIBUTION

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Ann Morgan Lilly on March 23, 2011 in the amount of \$500 from R.A. Behrenhausen; March 31, 2011 in the amount of \$500 from I.J. Brown; and April 1, 2011 in the amount of \$1000 from R.H. Hoy.

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8. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Stephen L. & Tracy H. Doyle in the amount of \$5,936.11 overpayment of 2010 taxes.
(PID #C340-999-1810-2700).
- B. Wells Fargo Bank in the amount of \$2,999.97 overpayment of 2010 taxes.
(PID #C340-999-0180-2900).
- C. GMAC Mortgage in the amount of \$9,106.10 overpayment of 2010 taxes.
(PID #F609-999-0080-0800).
- D. Sylvia G. Stearns in the amount of \$3,009.72 overpayment of 2010 taxes.
(PID #I256-999-0080-2300).
- E. Braxton Merritt in the amount of \$2,686.54 overpayment of 2010 taxes.
(PID #P654-999-0580-4100).
- F. Guillermo Cintron in the amount of \$3,000.00 overpayment of 2010 taxes.
(PID #R577-999-0080-2600).
- G. James Gallegon in the amount of \$4,604.75 overpayment of 2010 taxes.
(PID #S137-999-0050-1900).
- H. Indymac in the amount of \$6,146.92 overpayment of 2010 taxes.
(PID #S700-999-0020-0400).
- I. GMAC Mortgage in the amount of \$6,726.76 overpayment of 2010 taxes.
(PID #U823-999-0010-9200).
- J. Victor Martinez in the amount of \$2,980.35 overpayment of 2010 taxes.
(PID #V893-999-0450-2100).
- K. Edmundo Marrufo in the amount of \$2,823.41 overpayment of 2010 taxes.
(PID #W450-999-0220-0800).

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9. REQUEST TO ISSUE PURCHASE ORDER

1ST MOTION

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

2ND MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:25 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

3RD MOTION

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 12:45 p.m. and **RECONVENE** the meeting of the City Council.

4TH AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to ESI Companies, Inc, a U.S. General Services Administration (GSA) Federal contractor under GSA Contract GS-07F-0185U in the amount of \$357,669 for a Point-to-Multipoint Microwave System to provide high speed

connectivity to numerous City sites for various applications to include but not limited to the Library's Broadband Technology Opportunities Program (BTOP), law enforcement, security and safety infrastructure for the City's Fire and Police Departments, respectively. The City has made the determination that purchasing from this contract offers the most cost-effective pricing.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, and Ortega

NAYS: Representative Acosta

ABSTAIN: Representative O'Rourke

Department:	Information Technology
Award to:	ESI Companies, Inc. Memphis, TN
Total Estimated Award:	\$357,669
Funding Source:	IT Capital Acquisitions
Reference No.:	2011-218

This is a Cooperative, unit price type contract.

Mayor Cook and Representatives Acosta, Ortega, O'Rourke, Robinson

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.
4. Mr. Peter Cooper, Director of Information Technology
5. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services

Mr. Ralph Adame, Mexus Communications Management, commented.

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10A. – 10K. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Quintana, 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:

- 10A.** An Ordinance granting a Special Privilege License to Ysleta Independent School District for the construction, installation, maintenance, and repair of two (2) subsurface HVAC conduit facilities within portions of City right-of-way beneath Davis Street for a term of twenty years with two renewable twenty year terms.
- 10B.** An Ordinance granting a franchise to Elite Medical Transport to operate a non-emergency ambulance transfer service.
- 10C.** An Ordinance granting a franchise to Dominion Ambulance LLC to operate a non-emergency ambulance transfer service.

- 10D.** An Ordinance granting a franchise to Life Ambulance Service to operate a non-emergency ambulance transfer service.

PUBLIC HEARING WILL BE HELD ON MAY 10, 2011, FOR ITEMS 10A – 10D

- 10E.** An Ordinance changing the zoning of all of Tract 57, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas from R-3 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10F.** An Ordinance approving a Detailed Site Development Plan to reduce the lot depth for all of Lot 29, Block 13, Tres Suenos Amending Unit 4, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150 and Section 20.10.360 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10G.** An Ordinance changing the zoning of Lots 1, 2, 3, and the East ½ of Lot 4, Block 15, Woodlawn Addition, City of El Paso, El Paso County, Texas from A-3 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10H.** An Ordinance granting Special Permit No. ZON11-00006, to allow for infill development and a parking reduction on the property described as Lots 1, 2, 3, and the east ½ of Lot 4, Block 15, Woodlawn 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.
- 10I.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Appendix A (Permissible Uses) and Appendix C (Table of Parking Requirements and Standards) of the El Paso City Code to add a definition for transitional housing and to designate where transitional housing will be allowed. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10J.** An Ordinance changing the zoning of all of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas from A-3/H (Apartment/Historic) to S-D/H (Special Development/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10K.** An Ordinance changing the zoning of a portion of Lots 1 and 2, Block 2, Butterfield Trail Aviation Park Unit Two, all of Butterfield Trail Aviation Park Unit Three, and portions of Sections 22, 23, 26, and 27, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas from A-3 (Apartment), C-4 (Commercial) and M-1 (Light Manufacturing) to SCZ (Smart Code Zone). The penalty is as provided for in Chapter 21.60 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 24, 2011, FOR ITEMS 10E – 10K

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11. ENGINEERING AND CONSTRUCTION MANAGEMENT

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign an option to extend Contract 2009-242 (City of El Paso Fiber Optic Network Phase II 2009-2011) with Tri-State Electric, Ltd. for one additional year pursuant to the provisions of an award approved by City Council on June 23, 2009. The extended contract period shall be from June 23, 2011 to June 22, 2012. The work shall be at the same unit prices as originally bid by the contractor for this contract.

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12. PUBLIC HEALTH

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2011-138 Spay/Neuter Voucher Program to Pets Alive-El Paso, Inc. for an initial term estimated award of \$200,000.

NOT PRESENT FOR THE VOTE: Representative Acosta

Department:	Public Health
Award to:	Pets Alive-El Paso, Inc. El Paso, TX
Items:	All
Initial Term:	2 years
Option:	2 years
Annual Estimated Award:	\$100,000
Initial Term Estimated Award:	\$200,000 (2 years)
Total Estimated Award:	\$400,000 (4 years)
Funding Source:	General Fund – Outside Contracts

This is a Best Value services contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Financial Services Department and Department of Public Health recommend award as indicated to Pets Alive-El Paso, Inc., the sole responsive, responsible bidder.

Mr. Michael Hill, Director of Public Health, presented a PowerPoint presentation (copy on file in City Clerk's office).

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13A.

ORDINANCE 17546

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND CHAPTER 20.18 (SIGN REGULATIONS) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR PERPENDICULAR SIGNS AND TO ADD STANDARDS FOR PERPENDICULAR SIGNS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, 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**.

Representative O'Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

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13B.

ORDINANCE 17547

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.06 (ZONING DISTRICTS AND MAPS), SECTION 20.06.010 (DISTRICTS ESTABLISHED AND ENUMERATED), SECTION 20.06.020 (PURPOSE OF DISTRICTS) AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE TO ADD A URBAN RESERVE DISTRICT AND ESTABLISH STANDARDS FOR THE DISTRICT TO INCLUDE USES ALLOWED IN THE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED AS REVISED**, but limit it only to smart code development. 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, 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**.

Representatives Byrd, Ortega, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

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13C.

ORDINANCE 17548

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 009147 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 174A, VISTA DEL SOL UNIT 52, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Holguin, seconded by Representative Quintana, 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, 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**.

Representative Holguin commented.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

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13D. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-Street Parking, Loading, and Storage Standards), and Appendix C (Minimum Parking Requirements) of the El Paso City Code, to add maximum parking standards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Ms. Joyce Wilson, City Manager, commented.

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13E. PLANNING AND ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Section 20.18.400 (General), Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations, to modify wall sign regulations, and to add designated special control areas for on-premise signs. The penalty is as provided in Section 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None

Ms. Joyce Wilson, City Manager, commented.

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14.

RESOLUTION

WHEREAS, PSB Municipal Drainage Utility staff has identified a .382 acre portion of Memorial Park necessary to be transferred from City Parkland to the inventory of the PSB for use as a stormwater basin in support of the Storm Utilities Master Plan, a legal description of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

WHEREAS, City staff has recommended the transfer of the .382 acre portion of Memorial Park because the stormwater basin is critical to the Stormwater Master Plan, PSB Municipal Drainage Utility will fund and construct the stormwater basins, and PSB Municipal Drainage Utility has already transferred 3.487 acres to expand Jorge Montalvo Park which compensates for the loss of parkland at Memorial Park, and

WHEREAS, the City has given notice to the public by publishing a notice once a week for three consecutive weeks in a newspaper of general circulation as required in the Texas Parks & Wildlife Code Section 26.002.

WHEREAS, City Council for the City of El Paso determines that the proposed project for the stormwater basin includes all reasonable planning to minimize harm to the land as a park resulting from the use.

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

1. That the El Paso City Council approves the use of a .382 acre portion of Memorial Park for a stormwater basin, and

2. That, related to the stormwater basin and in accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council determines there is no feasible and prudent alternative to the taking of the Memorial Park acreage, and that the proposed plans for the stormwater basin include all reasonable planning to minimize harm to the land as a park resulting from the use.

Representatives Byrd, Holguin, and Ortega commented.

The following City staff members commented:

1. Ms. Nanette Smejkal, Director of Parks and Recreation
2. Mr. Gonzalo Cedillos, Stormwater Engineering Manager at El Paso Water Utilities

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

NOT PRESENT FOR THE VOTE: Representative Quintana

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15.

ORDINANCE 17549

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.050 (ANGLED-PARKING - OFFSET PARKING) OF THE EL PASO CITY CODE TO ALLOW ANGLE PARKING IN THE CENTRAL TRAFFIC DISTRICT AND THE FIVE POINTS TRAFFIC DISTRICT. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (FINES AND FEES) OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Ted Marquez, Deputy Director of Department of Transportation, read revision into the record.

Motion duly made by Representative O'Rourke, 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, 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 AS REVISED**.

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16. DEPARTMENT OF TRANSPORTATION

Discussion and action regarding guidelines for the consolidation and pricing of loading zones, parking spaces, and metered parking and a summary of staff's public outreach efforts.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **DIRECT** staff to consolidate the loading zones as recommended by staff, with one loading zone per side of street downtown, per block, at a maximum, without adding additional loading zones to the total existing now.

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **REMOVE** "Judges Parking Only" spaces and replace with parking meter spaces.

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

NAYS: Representatives Quintana and Holguin

3RD MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **REMOVE** existing "Police Cars Only" spaces and replace with parking meter spaces and Prisoner Loading where necessary.

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

NAYS: Representatives Robinson

4TH MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, to **REMOVE** "Law Enforcement Vehicles Only" spaces and replace with parking meter spaces. **THE MOTION FAILED.**

AYES: Representatives Lilly, Byrd, Holguin, and Ortega

NAYS: Mayor Cook and Representatives Acosta, Robinson, Quintana, and O'Rourke

Mayor Cook broke the tie, voting nay.

5TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, to **REMOVE** existing "Fire Department Employee POV Parking 10 AM – 1 PM" and look at alternative parking spaces for the Firefighters so as to comply with the collective bargaining contract agreement. **THE MOTION FAILED.**

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

NAYS: Mayor Cook and Representatives Acosta, Robinson, Quintana, and Ortega

Mayor Cook broke the tie, voting nay.

6TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **REMOVE** existing "Health Only" spaces and replace with parking meter spaces.

7TH MOTION

Motion made by Representative Ortega, seconded by Representative Robinson, and carried to **AUTHORIZE** the Mayor to enter negotiations with the County Judge about an exchange of judges parking and El Paso Police department parking.

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

8TH MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and carried to **REMOVE** this designation for existing "Official Vehicles Only" spaces.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Ortega, and O'Rourke
NAYS: Representatives Holguin
NOT PRESENT FOR THE VOTE: Representative Acosta

9TH MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and carried to **MAINTAIN** and charge for existing "Press Only" spaces and add and charge for two more "Press Only" spaces.

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

10TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **AUTHORIZE** the Mayor to enter negotiations with the County Judge to maintain and charge for existing "Vehicle Inspection Only" spaces and to maintain and charge for existing "Reserved Parking for District Clerk" space.

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

11TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **AUTHORIZE** the Mayor to enter negotiations with the County Judge to maintain and charge for existing "Police Cars Only" spaces.

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

12TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **AUTHORIZE** the Mayor to enter negotiations with the Federal government to maintain and charge for existing "Border Patrol Prisoner Unloading" spaces, maintain and charge for existing "Official Vehicles Only" spaces, maintain and charge for existing "US Marshal Only" spaces, and maintain and charge for existing "Law Enforcement Vehicles Only" spaces.

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

13TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **REMOVE** existing "Mexican Consulate Employees" spaces and replace with parking meter spaces, and provide the reserved spaces for Mexican Consulate.

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

14TH MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and carried to **REMOVE** all unofficial loading/no parking signs and markings in alleys, designate and mark each dumpster location, designate loading zones in alleys with widths greater than 20 feet, and where feasible eliminate on-street loading zone when alley loading zone is available.

AYES: Representatives Byrd, Acosta, Robinson, Quintana, and Ortega

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Lilly and O'Rourke

Mr. Daryl Cole, Director of Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Quintana, Holguin, Robinson, Ortega, Acosta, and O'Rourke.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Richarda Momsen, Municipal Clerk
4. Assistant Police Chief Eric Shelton
5. Assistant Fire Chief Manuel Chavira

The following members of the public commented:

1. Mr. Michael Breitingner, Executive Director of the El Paso Central Business Association
2. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
3. Mr. Joe Tellez, El Paso Association of Fire Fighters Local 51
4. Ms. Holly Lytle, El Paso Assistant County Attorney

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17A. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **DELETE** the item regarding the discussion and action on removing the option of stamped concrete for pedestrian pathways.

Representative Byrd commented.

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17B. MAYOR AND COUNCIL

1. For Notation: Formal Report of the Health, Safety and Community Services Legislative Review Committee meeting held on April 7, 2011, as submitted by Representative Eddie Holguin Jr., Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on development of regulations pertaining to boarding home facilities as allowed under the 2009 Texas Legislative changes.

Mr. David Almonte, Deputy City Manager of Health and Public Safety, commented.

NO ACTION was taken on this item.

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17C. MAYOR AND COUNCIL – Legislative Review Committee Report

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and carried to **POSTPONE** one week the item regarding the discussion and action to issue a release of lien at 10008 Caribou Drive.

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

NAYS: Representative Quintana

Mayor Cook and Representatives Lilly and Holguin commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
 2. Ms. Ellen Smyth, Director of Environmental Services
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17D.

RESOLUTION

WHEREAS, the I-10 Southern Relief Route, also known as the Loop 375 Southern Corridor Phase II (the Project) is a transportation road project identified in the 2008 Comprehensive Mobility Plan (CMP); and,

WHEREAS, the Texas Department of Transportation (TxDOT) is currently conducting an environmental impact study (EIS) for the Project in accordance with the provisions of the National Environmental Policy Act (NEPA) and is serving as the lead agency; and,

WHEREAS, the city of El Paso will serve as a participating agency in the EIS process according to the Safe Accountable Flexible Efficient Transportation Equity Act: Legacy for Users (SAFETEA_LU); and,

WHEREAS, portions of the Project are located in the vicinity of numerous important cultural and historic areas of the city of El Paso; and,

WHEREAS, the city of El Paso desires to ensure these portions of Project are developed in a manner that integrates the Project into the community while being sensitive to these areas;

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

That it is the formal position of the City Council of the City of El Paso that in developing the portion of the Project between Park Street and the proposed Schuster Avenue Extension that the Texas Department of Transportation (TxDOT) work closely with the neighborhoods of Segundo Barrio and Chihuahuita through the public involvement process as required by the NEPA process to develop alternatives in or around these neighborhoods that prevent them from being disconnected from the rest of the City; to ensure that they have access to Loop 375 and the network of neighborhood and downtown streets; and to assist in the improvement of these neighborhoods by working with all stakeholders, including neighborhood residents, local, state and federal governments, businesses and railroads that adjoin the neighborhoods. TxDOT has agreed to undertake a study to determine the feasibility of relocating the BNSF El Paso Railyard to support development of alternatives that avoid or minimize impacts to the Segundo Barrio and Chihuahuita neighborhoods.

Mayor Cook and Representatives O'Rourke, Ortega, Byrd, and Quintana, commented.

Ms. Jane Shang, Deputy City Manager for Mobility Services, commented.

Mr. Miguel A. Rodriguez, previous President of the Neighborhood Association.

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE AS REVISED** the Resolution, revisions read into the record by Representative O'Rourke.

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17E. MAYOR AND COUNCIL – Legislative Review Committee Report

1. For notation only: Formal report of the Transportation Legislative Review Committee meeting held on April 14, 2011, as submitted by Representative Ann Morgan Lilly; and
2. Discussion pertaining specifically to the agenda item posted by the Transportation Legislative Review Committee meeting as follows:
 - a. Update from Victor Morrison-Vega on the sidewalks in Alamos, Tays St., where driveways were installed and interrupted the flow of traffic for this complex.
 - b. Presentation, discussion and action on developing a tool to measure the City's progress in reducing dependence on automobile travel and on setting a goal using that measure.
 - c. Discussion and action on making El Paso a more walkable City of El Paso.
 - d. Presentation, discussion, and action regarding any potential conflict with the City's transportation strategic goals of being the lowest car dependent city in the Southwest mitigating traffic congestion.

Ms. Jane Shang, Deputy City Manager for Mobility Services, commented.

NO ACTION was taken on this item.

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17F. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** at the request of the applicant, the discussion and presentation, regarding the proposed "Aldea/Miner Village/Geltmore" smart code development."
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18A. PLANNING AND ECONOMIC DEVELOPMENT

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Emma Schwartz to address the Council after the sign up period.

NOT PRESENT FOR THE VOTE: Representative Acosta

2ND AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **POSTPONE** four weeks a Resolution to approve the creation of the City of El Paso Economic Development Incentive Policy for Energy Related, Targeted Growth and Investment, and/or Technology Development Projects.

Ms. Kathryn Dodson, Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Bob Cook, President and Chief Executive Officer of the El Paso Regional Economic Development Corporation (REDCO), presented a PowerPoint presentation (copy on file in City Clerk's office).

Gary E. Williams, Director, Center for Research Entrepreneurship and Innovative Enterprises (CREIE), The University of Texas at El Paso, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Byrd, O'Rourke, Ortega, Acosta, and Robinson commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Norman Gordon, outside utility counsel, gave legal advice.

The following members of the public commented:

1. Eli Velasquez, Executive Director of Innovate El Paso
2. Mr. Paul Maxwell, Executive Director and CEO of the Bi-National Sustainability Laboratory (BNSL)
3. Ms. Lisa Turner
4. Mr. Mark Walker, Civil Litigation Defense Attorney
5. Ms. Emma Schwartz

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18B. PLANNING AND ECONOMIC DEVELOPMENT

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, to **DENY** the request from Javier Otero, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a child care facility for the property located at 3716 Alameda Avenue. **THE MOTION FAILED.**

AYES: Representatives Byrd, Acosta, and Robinson

NAYS: Representatives Lilly, Quintana, Holguin, Ortega, and O'Rourke

2ND AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Quintana, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a child care facility for the property located at 3716 Alameda Avenue, with a finding of economic hardship on the applicant.

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

NAYS: Representatives Byrd, Acosta, and Robinson

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

The following City staff members commented:

1. Mr. Mathew McElroy, Deputy Director of Planning and Economic Development
2. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Javier Otero

2. Mr. Bill Schlesinger
3. Ms. Gloria Marmolejo, Center Director for Project Vida After School Latch Key

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19. CITY MANAGER

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** the City Manager's report on the Quarterly Financial Report: 2nd Quarter Financial Report for Fiscal Year 2011.

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Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 4:36 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk