

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
October 5, 2010
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:08 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. 9:16 a.m. Absent: Rachel Quintana. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **AMIGO AIRSHO WEEK**
2. **HISPANIC HERITAGE CELEBRATION MONTH**
3. **ARCHITECTURE MONTH**
4. **BOWIE ALUMNI HOMECOMING WEEK**
5. **KEEP EL PASO BEAUTIFUL COMMUNITY PRIDE MONTH**

RECOGNITION

KATHERINE GUNTER-PALAFIX - 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. Raymond A. Malphurs
2. Mr. Matt Carroll
3. Mr. Robert Ford
4. Mr. Bill Addington

- 5. Mr. Jerry Thiedt
- 6. Ms. Lisa Turner
- 7. Mr. Steve Strumer

Representatives Byrd and O'Rourke commented

Ms. Joyce Wilson, City Manager, commented

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative O'Rourke, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

ABSENT: Representative Quintana

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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 September 28, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Quintana from the Regular City Council meeting of October 5, 2010.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an electrical easement for overhead and underground electrical service and an electrical transformer pad to the El Paso Electric Company for the purpose of providing electrical service to 9143 Escobar El Paso, Texas, for the Del Valle Elementary School. The property was leased to the Ysleta Independent School District for 99 years, Ordinance No. 016958, passed August 5, 2008. Said property being more particularly described as a portion of lot 16, block 44, Ysleta Grant, a Subdivision in the City of El Paso, El Paso County, Texas.

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3B.

***RESOLUTION**

WHEREAS, the City from time to time installs fiber optic equipment that connects to or uses existing Texas Department of Transportation (TxDOT) fiber optic cable and or related infrastructure for the purpose of transmitting transportation-related data; and

WHEREAS, TxDOT requires that an agreement be entered into for such fiber optic installations prior to the installation of such equipment within the TxDOT fiber optic system in El Paso.

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

That the City Manager is authorized to enter in to the TxDOT Multiple Use Agreement for Sharing Fiber Optic Cable and/or Related Infrastructure, as sample of which is attached hereto as Exhibit "A" or such substantially similar agreement that may be required by TxDOT from time to time as a condition of installing fiber optic equipment as part of the TxDOT fiber optic system without further authorization from the City Council upon review of the City Attorney.

Representative Acosta commented.

Mr. R. Alan Shubert, City Engineer, commented.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding (Extension Agreement) to extend contract period of the Articles of Agreement dated March 18, 2008 between the CITY OF EL PASO and LOCAL 51, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, INC., through August 31, 2011.

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3D.

***RESOLUTION**

WHEREAS, the Tax Assessor/Collector of the City of El Paso (the "City") has entered the amount of tax as provided by Section 26.09(e) of the State Property Tax Code in the appraisal roll, creating a tax roll for entities, for which the City Tax Assessor/Collector collects taxes, a summary of which is attached hereto and incorporated herein by reference;

WHEREAS, the tax roll for the entities is on file and available for inspection in the City Tax Office; and

WHEREAS, the City Tax Assessor/Collector now submits the appraisal roll to the City Council for approval as the 2010 tax roll.

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

THAT the appraisal roll is hereby approved and constitutes the 2010 tax roll for all entities which the City Tax Assessor/Collector collects taxes.

Mayor Cook and Representative Acosta commented.

Mr. Juan Sandoval, Tax Assessor Collector, commented

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Terry Bilderback to the Open Space Advisory Board by Mayor John F. Cook.

Ms. Heather McMurray, citizen, commented

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Carina Ramirez to the Museums and Cultural Affairs Advisory Board by Representative Steve Ortega, District 7.

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4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Francesca Alonso to the Museums and Cultural Affairs Advisory Board by Representative Carl L. Robinson, District 4.

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4D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ann F. Kruzich to the Museums and Cultural Affairs Advisory Board by Representative Carl L. Robinson, District 4.

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4E. BOARD APPOINTMENT.

*Motion made, seconded, and unanimously carried to **APPOINT** Marina Monsisvais to the Museums and Cultural Affairs Advisory Board by City Representative Susie Byrd, District 2.

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4F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Elia Perez to the Museums and Cultural Affairs Advisory Board by City Representative Susie Byrd, District 2.

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5A. - 5E. INTRODUCTIONS

1ST MOTION

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

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

NAYS: None

ABSTAIN: Representative O'Rourke

ABSENT: Representative Quintana

2ND MOTION

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

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

NAYS: None

ABSENT: Representative Quintana

3RD AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representatives Ortega and O'Rourke

ABSENT: Representative Quintana

5A. An Ordinance authorizing the city of El Paso to sell lots, 2, 4, 5, 7, 9, 11, 13, and 14, Block 9, lots 1, 3, 4, 6, 7, 8, 9, 11, and 14, Block 10, lots 1, 3, 5, 7, 9, 10, 11, 13, and 14, Block 11, and lots 2, 4, 6 and 9, Block 12, Summerlin an addition to the City of El Paso, El Paso County, Texas to Tierra Del Sol Housing Corporation, in accordance with Texas local government code Section 272.001(G).

PUBLIC HEARING WILL BE HELD ON OCTOBER 12, 2010, FOR ITEM 5A

5B. An Ordinance granting Special Permit No. ZON10-00060, to allow for infill development and a 100% parking reduction on the property described as a portion of Block 38, Clardy-Fox Subdivision Unit 5, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 Parking Reduction and 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

5C. An Ordinance granting Special Permit No. ZON10-00047, to allow for infill development on the property described as Lots 9-12, Block 17, Franklin Heights 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 in Chapter 20.24 of the El Paso City Code.

5D. An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 21 (Smart Code), to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department and the staff; the penalty being as provided in Sections 21.60.010 – 21.60.030 of the El Paso City Code.

5E. An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department and to staff; the penalty being as provided in Section 20.24.020 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 26, 2010, FOR ITEM 5B – 5E

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6A.

ORDINANCE 17425

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 3764 WHICH CHANGED THE ZONING ON A PORTION OF LOTS 1 THRU 4, BLOCK O-3, MOELLERS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative O'Rourke commented.

The following members of the public commented:

1. Mr. Joe Solis

- 2. Ms. Belen O. Solis
- 3. Mr. Matt Carroll

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried to **SUSPEND THE RULES OF ORDER** to allow the public to speak after sign up period.

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

NAYS: None

ABSENT: Representative Quintana

2ND AND FINAL MOTION

Motion duly made by Representative O'Rourke, seconded by Representative Lilly, 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, Holguin, Ortega and O'Rourke

NAYS: None

ABSENT: Representative Quintana

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

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6B.

ORDINANCE 17426

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 1, BBA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-1 (RESIDENTIAL) TO R-2 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Acosta and Ortega commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Ray Mancera, representing the owner

Motion duly made by Representative Ortega, seconded by Mayor Pro Tempore 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 Lilly, Byrd, Acosta, Ortega and O'Rourke

NAYS: Representative Robinson

ABSTAIN: Representative Holguin

ABSENT: Representative Quintana

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

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6C.

ORDINANCE 17427

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.04 (PROPERTY TAXES), 3.04.035 (EXEMPTION – HISTORICALLY SIGNIFICANT SITES) OF THE EL PASO CITY CODE TO ALLOW FOR AN EXCEPTION FOR A SPECIFIED PERIOD OF YEARS ON THE CITY’S PORTION OF PROPERTY TAXES ON HISTORICALLY SIGNIFICANT PROPERTIES THAT ARE RENOVATED.**

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

Representatives Byrd, Ortega and O’Rourke commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Matt Carroll

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Ortega and O’Rourke
NAYS: Representative Holguin
ABSENT: Representative Quintana

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

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ITEMS TAKEN TOGETHER: 6D and 6E

6D. PLANNING AND ECONOMIC DEVELOPMENT

An Ordinance releasing all the conditions placed by Ordinance No. 9364, Ordinance No. 15708, Ordinance No. 011540, Ordinance No. 010052, Ordinance No.16241 and Resolution dated April 26, 1988, and Contract dated August 9, 1988, and Contract Amendment dated September 13, 1988 on the property abutting Transmountain Road between US Highway 54 and Interstate Highway 10, including All of Westport Unit Five, City of El Paso, El Paso County, Texas; Portions of Tracts 10A, 10B, Tract 10B4, 10C, 10D, 10E, 10E1, 12A, and all of Tracts 9, 10B3, and 11, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas; Hoover Avenue and Northwestern Drive and all of Westport Unit Five, City of El Paso, El Paso County, Texas; Westport Unit Seven Amending Subdivision, City of El Paso, El Paso County, Texas; All of Lot 1A, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; All of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; A portion of Tracts 1A1, 1D, 2C, 2D, 2E and Resler Drive Right-of-Way, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; and imposing new conditions

on all the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Property abutting Transmountain Road between US Highway 54 and Interstate Highway 10. ZON10-00076

6E. PLANNING AND ECONOMIC DEVELOPMENT

An Ordinance amending Title 19 (Subdivisions), Appendix 111 (Mountain Area Defined), of the El Paso City Code to delete a portion of mountain area within the Mountain Development Area (MDA). The penalty is as provided for in Section 19.42 of the El Paso City Code.

1st MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke and unanimously carried that the City Council **RETIRE INTO EXECUTIVE SESSION** at 12:26 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071.

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

NAYS: None

ABSENT: Representative Quintana

2nd MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried to adjourn the Executive Session at 12:36 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

NAYS: None

NOT PRESENT: Representative O'Rourke

ABSENT: Representative Quintana

3RD AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, to **POSTPONE** eight weeks the Public Hearing on an Ordinance releasing all the conditions placed by Ordinance No. 9364, Ordinance No. 15708, Ordinance No. 011540, Ordinance No. 010052, Ordinance No.16241 and resolution dated April 26, 1988, and contract dated August 9, 1988, and contract amendment dated September 13, 1988 on the property abutting Transmountain Road between US Highway 54 and Interstate Highway 10, including all of Westport unit five, City of El Paso, El Paso County, Texas; portions of Tracts 10a, 10b, Tract 10b4, 10c, 10d, 10e, 10e1, 12a, and all of Tracts 9, 10b3, and 11, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; a portion of Tract 2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas; Hoover Avenue and Northwestern Drive and all of Westport Unit Five, City of El Paso, El Paso County, Texas; Westport Unit Seven amending subdivision, City of El Paso, El Paso County, Texas; all of Lot 1a, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; all of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; a portion of Tracts 1a1, 1d, 2c, 2d, 2e and Resler Drive right-of-way, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; and imposing new conditions on all the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code, and to **DIRECT** the City Attorney to work with the developers and to include in the Ordinances the following three revisions;

- 1) To add an additional ten feet to the buffer between the roadway and the hike / bike trail;
- 2) To keep as Mountain Development Area (MDA), east of the gas line road, and;

- 3) The restriction against digital signs and the provision the landscape buffer not be counted as part of the commercial landscape requirement.

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

NAYS: Representative Robinson

ABSENT: Representative Quintana

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office)

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

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, gave legal advice
3. Ms. Richarda Duffy Momsen, Municipal Clerk, read letters from State Representative Joseph Moody and State Representative Joe Pickett

The following members of the public commented:

1. Mr. Chuck Berry, TXDOT Chief Engineer
2. State Representative Marissa Marquez
3. Ms. Lisa Turner
4. Mr. Richard Dayoub, CEO, El Paso Chamber of Commerce
5. Mr. Justin Chapman
6. Mr. Matt Carroll
7. Mr. Charlie Wakeem
8. Mr. Bill Addington, Sierra Club
9. Ms. Beinda Luna
10. Mr. Lynn Fitzgerald
11. Mr. Brent Harris

7A MAYOR AND CITY COUNCIL

Discussion and action on extending the scenic corridor in the Transmountain Freeway project by:

1. **DIRECTING** City Manager to initiate a zoning change on three tracts of land owned by City of El Paso and managed by the El Paso Water Utilities (Parcel #1: 637.5 Acres legally described as Nellie D Mundy Survey 246, Parcel #2: 125.3360 acres legally described as SJ Larkin Survey 269 Abstract 10070 Tract 1 and Parcel #3: 155.4651 Acres legally described as SJ Larkin Survey 269 Abstract 10070 Tract 1-A) from R-3, Residential District and PMD, Planned Mountain Development to Natural Open Space (See map for more information),
2. **DIRECTING** City Manager to put this land into a conservation easement so that it be preserved in perpetuity as open space,
3. **DIRECTING** City Manager to amend the Master Thoroughfare Plan to remove the Paseo del Norte arterial, and

4. **DIRECTING** City Manager to work with TXDOT to remove the Paseo del Norte overpass from the Transmountain Freeway design.

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Holguin and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Addington an additional one minute to address the Council.

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

NAYS: None

ABSENT: Representative Quintana

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, on extending the scenic corridor in the TransMountain Freeway project by:

1. **DIRECTING** the City Manager to initiate a rezoning change on all 5,000 Public Service Board acres for a National Open Space designation.
2. **REQUESTING** the Public Service Board to go back and review their current land use plan to tweak or refine it to get the City where it wants to go in protecting the Scenic Corridor.
3. **DIRECTING** the City Manager to have City Staff come back quickly with an evaluation of what overpasses the city really needs, for TXDOT to consider as alternatives.

AYES: Representatives Byrd, Ortega, and O'Rourke

NAYS: Representatives Lilly, Acosta, Robinson and Holguin

ABSENT: Representative Quintana

THE MOTION FAILS.

3rd AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **APPROVE AS REVISED** extending the scenic corridor in the TransMountain Freeway project by:

1. **DIRECTING** the City Manager to initiate a zoning change on three tracts of land owned by City of El Paso and managed by the El Paso Water Utilities (Parcel #1: 637.5 Acres legally described as Nellie D Mundy Survey 246, Parcel #2: 125.3360 acres legally described as SJ Larkin Survey 269 Abstract 10070 Tract 1 and Parcel #3: 155.4651 Acres legally described as SJ Larkin Survey 269 Abstract 10070 Tract 1-A) from R-3, Residential District and PMD, Planned Mountain Development to Natural Open Space (See map for more information),
2. **DIRECTING** the City Manager to put this land into a conservation easement so that it be preserved in perpetuity as open space,
3. **REQUESTING** that the Public Service Board (PSB) go back and review their land use plan to tweak or refine it to get the City where it wants to go in protecting the scenic corridor, and,
4. **DIRECTING** the City Manager to have City staff come back to Council quickly with an evaluation of what overpasses the City really needs, for TXDOT to consider as alternatives.

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

Mr. Ed Archuleta, El Paso Water Utility Director, presented a PowerPoint presentation, (on file in City Clerk's office).

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

The following city staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Matt McElroy, Deputy Director
3. Mr. R. Alan Shubert, City Engineer
4. Ms. Terry Quezada, Administrator
5. Mr. Daryl Cole, Dept of Transportation

The following members of the public commented:

1. Mr. Chuck Berry, TXDOT Chief Engineer
2. Mr. Charlie Wakeem
3. Mr. Richard Dayoub, CEO, Greater El Paso Chamber of Commerce
4. Ms. Lisa Turner
5. Mr. Jim H. Tolbert
6. Mr. Matt Carroll
7. Mr. Rick Bonart, Borderland Mountain Bike Association
8. Dr. Richard Teschner, Vice President Frontera Land Alliance
9. Mr. Bill Addington
10. Ms. Heather McMurray

7B MAYOR AND CITY COUNCIL

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** that the City Manager convene a temporary "Greenbuilding Task Force" made up of architects, builders, contractors and advocates in the spring of 2011 to provide input to City Council on financial, non-financial and other incentives or recognitions to encourage homebuilders and commercial developers to go beyond the 2009 IECC codes by 15 or 30 percent in terms of energy savings, and other changes designed to save energy, waste and water use in new buildings or in the retrofitting of existing buildings. The task force will provide the City with a list of recommendations on how to encourage these practices in the spring of 2011 for City Council consideration. The Task Force will specifically seek a presence and input from the El Paso Electric Utility and the El Paso Public Utility Board to better coordinate their incentive programs with Engineering and Construction Management and Planning and Economic Development Services.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Ortega
ABSENT: Representative Quintana

Representatives Byrd and Robinson commented.

Mr. R. Alan Shubert, City Engineer, commented.

The following members of the public commented.

- 1. Mr. Robert Garland, American Institute of Architects Board member
- 2. Ms. Melissa Brandrup, American Institute of Architects Board member

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8. PUBLIC HEALTH

Presentation and discussion on the future of Animal Services.

Mayor Cook and Representatives Acosta and O'Rourke commented.

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mike Hill, Public Health Director
- 3. Mr. Bruce Parsons, Assistant Director of Public Health

Mr. Matt Carroll, citizen, commented.

NO ACTION was taken on this item.

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9.

ORDINANCE 17428

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTERS 7.04 (DEFINITIONS), 7.12 (DOGS AND CATS), 7.16 (IMPOUNDMENT), AND 7.24 (LIVESTOCK); AND TO CREATE CHAPTER 7.14 (ANIMAL SALES, BREEDING AND SHOWS); TO DEFINE TERMS; TO CLARIFY FEES AND REVISE REGULATIONS APPLYING TO SPAYED, NEUTERED, UNSPAYED AND UNNEUTERED DOGS AND CATS; TO REVISE PERMITTING PROCEDURES; TO PROVIDE FOR THE SERVICES OF ANIMAL WELFARE ORGANIZATIONS; TO REGULATE THE SALE OF MANY DOGS AND CATS, AND THE SALE AND TRANSFER OF ALL DOGS AND CATS YOUNGER THAN EIGHT WEEKS OF AGE; TO REQUIRE THAT A LITTER PERMIT NUMBER BE DISPLAYED IN ANY ADVERTISEMENT TO SELL OR TRANSFER PUPPIES AND KITTENS; TO REQUIRE ANIMALS RELEASED BY THE CITY AND ANIMAL WELFARE ORGANIZATIONS BE SPAYED OR NEUTERED; AND TO PROVIDE FOR THE REPORTING OF EUTHANIZED ANIMALS IN THE CITY; THE PENALTY BEING AS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE.**

Ms. Elaine Hengen, Senior City Attorney, presented a PowerPoint presentation (on file in the City Clerk's office) and gave legal advice.

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

The following city staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Deborah Hamlyn, Deputy City Manager
- 3. Mr. Charlie McNabb, gave legal advice

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Warren Bell
3. Ms. Barbara Valencia
4. Mr. Thomas Linney
5. Ms. Terry Call
6. Mr. Robert Williams
7. Mr. Charles Hooten
8. Mr. John Penington
9. Ms. Ellen Penington
10. Mr. Chris Yakubovsky
11. Mr. Ken Okada
12. Ms. Loretta Hyde
13. Mr. James Perry
14. Ms. Connie Jimenez
15. Ms. Rebecca Rojas
16. Ms. Dory Munder

Motion duly made by Representative Ortega, seconded by Representative Lilly, 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, Ortega and O'Rourke

NAYS: Representative Holguin

Absent: 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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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 5:25 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk