

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
DECEMBER 22, 2009
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson and Eddie Holguin, Jr. Late arrivals: Rachel Quintana, Emma Acosta, Beto O'Rourke at 9:08 a.m. and Steve Ortega at 10:45 a.m. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATION

BRUT SUN BOWL WEEK

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. Bill Hart, Jr.
2. Ms. Lisa Turner

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1. MAYOR AND COUNCIL

Presentation by Bill Blaziek, El Paso Convention & Visitors Bureau, on two 30-second commercial spots which will be shown to the nation during the CBS telecast of the Brut Sun Bowl.

Mr. Bob Wingo, President and CEO of Wingo Advertising, presented two 30-second commercial spots.

Mr. Bill Blaziek, General Manager of the El Paso Convention & Visitors Bureau, commented.

Mayor Cook commented.

NO ACTION was taken on the item.

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CONSENT AGENDA

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 15, 2009.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

That Virginia Alonso and Sandra Lloyd, Ph.D., be reappointed to the Board of Trustees of the El Paso MHRM Center, each to a full term expiring December 31, 2011, for the positions designated to be held by a consumer/family member and at-large, respectively.

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TAKEN WITH ITEM 12F

4B.

***RESOLUTION**

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by ensuring adequate public facilities and services are available to new development, to include transportation, water, sewerage, schools, parks and other public improvements are available concurrent with development and will have a sufficient capacity to serve the subdivision and to ensure the subdivider provides for the required public improvements attributable to the development; and,

WHEREAS, on June 3, 2008, the City Council of El Paso passed a Resolution adopting a Design Standards for Construction Manual that will be used by developers subdividing property within the City of El Paso and the City's Extra Territorial Jurisdiction; and,

WHEREAS, the City now wishes to amend the Manual to include a cross-section for a 30-foot local residential street;

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

That the City of El Paso's Design Standards for Construction Manual, Section 3 (Streets), be amended to include a cross-section for a 30-foot local residential street, as illustrated in Attachment A.

Mr. Philip Etiwe, Development Review Manager, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** a Resolution that the City of El Paso's Design Standards for Construction Manual, Section 3 (Streets), be amended to include a cross-section for a 30-foot local residential street.

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

NAYS: Representative Robinson

ABSTAIN: Representative Ortega

NOT PRESENT FOR THE VOTE: Representative Holguin

4C.

***RESOLUTION**

WHEREAS, the City Council previously approved a contract of sale for 195 square feet of real property between the City of El Paso, purchaser, and Margie Ortiz, seller, on October 6, 2009; and

WHEREAS, the purchase of the real property is for the Roseway Street Drainage Improvement Project; and

WHEREAS, the property being purchased is a portion of Tract 10L, Block 46, Ysleta Grant, in the City of El Paso, El Paso County, Texas, according to the resurvey of said Ysleta Grant made by El Paso County Texas for tax purposes and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the approved contract of sale required payment of the 2009 property taxes at the time of closing; and

WHEREAS, the seller's property taxes are paid by an escrow agent.

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

That the City acknowledges that the Seller's obligation to pay taxes may be met by the seller's escrow agent timely paying such taxes according to State law.

That the City Manager is authorized to sign any documents that may be necessary to effectuate the provisions of this Resolution.

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Risher Gilbert, Outside counsel for the City

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4D.

***RESOLUTION**

WHEREAS, the Safe Routes to School Program is a comprehensive program designed to improve the bicycle and pedestrian safety of school age children; encourage a healthy and active lifestyle from an early age; enable and encourage children to walk and bicycle to school and to facilitate projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools, and,

WHEREAS, pursuant to Title 43, Transportation, of the Texas Administrative Code Section 25.00 through section 25.505 the Texas Transportation Commission (Commission) previously approved the allocation of funds for projects supporting the initiatives of the Safe Routes to School Program, and,

WHEREAS, the City of El Paso was previously selected by the Commission for receipt of available funding in the amount of \$900,000, on a reimbursable basis, and,

WHEREAS, on October 30, 2007 the City Council of the City of El Paso authorized the City Manager to use local TXDOT match funds to upfront expenditures made under the SRTS Program Grant to secure State reimbursement to fund the master infrastructure plan that prioritizes projects and activities that support increased safety and convenience for elementary and middle school children to bicycle and walk to and from school, for a two-mile service area from each of ninety approved school project areas, and,

WHEREAS, in accordance with the approved expenditures the master infrastructure plan has been completed and the City of El Paso is pursuing all funding opportunities to execute the infrastructure priorities and projects identified by the plan, and,

WHEREAS, in accordance with Title 43, Transportation, of the Texas Administrative Code Section 25.00 through section 25.505, the Texas Department of Transportation issued the 2009 Program Call for proposed projects eligible to receive funding under the Safe Routes to School Program to include those involving both infrastructure and non-infrastructure related activities, and,

WHEREAS, the City of El Paso has submitted the appropriate application and documentation to meet the required deadlines and maintain eligibility for prospective State funding supporting the continued implementation of the SRTS program for El Paso

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

THAT the City Council hereby authorizes the application made by the City to the Texas Department of Transportation for the 2009 Program Call for proposed projects eligible to receive funding under the Safe Routes to School Program. Additionally, that the City Manager is authorized to sign any related documents or agreements necessary to undertake project development and implementation activities to accomplish funding requirements under this program contingent upon selection by the Texas Department of Transportation to receive said funds.

Representatives Byrd and Quintana commented.

Mr. Alan Shubert, City Engineer, commented.

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4E.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HUMBERTO ZERMENO PADILLA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Tract 1-B-5-A (0.5880 AC), Manuel Gonzalez Sur 186 Abs 2793
Subdivision, City of El Paso, El Paso County, Texas, Parcel #X186-999-
0000-4475

to be \$343.65, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SIXTY SEVEN AND 65/100 DOLLARS (\$367.65). The City Council finds that the work was completed on the 24th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SIXTY SEVEN AND 65/100 DOLLARS (\$367.65) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VICENTE DIAZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6323 Saint Lo Drive, more particularly described as Lot(s) 119 (5671 SQ FT),
Block 4, Normandy Subdivision, El Paso, El Paso County, Texas, Parcel
#N345-999-0040-5200

to be \$197.45, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED TWENTY ONE AND 45/100 DOLLARS (\$221.45). The City Council finds that the work was completed on the 24 day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWENTY ONE AND 45/100 DOLLARS (\$221.45) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VICENTE DIAZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6323 Saint Lo Drive, more particularly described as Lot(s) 119 (5671 SQ FT),
Block 4, Normandy Subdivision, El Paso, El Paso County, Texas, Parcel
#N345-999-0040-5200

to be \$197.45, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED TWENTY ONE AND 45/100 DOLLARS (\$221.45). The City Council finds that the work was completed on the 24 day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWENTY ONE AND 45/100 DOLLARS (\$221.45) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOHN H. TRIEN, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash,

vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

SWLY PT OF LOT 9 (274.45 FT ON NWLY - 240.28 FT ON NELY - 274.22 FT ON SELY - 239.52 FT ON SWLY) (65812.89 SQ FT), Block 50, Milagro Hills #6 Subdivision, City of El Paso, El Paso County, Texas, Parcel #M425-999-0500-9050

to be \$1,138.25, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND ONE HUNDRED SIXTY TWO AND 25/100 DOLLARS (\$1,162.25). The City Council finds that the work was completed on the 9th, 10th and 15th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND ONE HUNDRED SIXTY TWO AND 25/100 DOLLARS (\$1,162.25) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOHN H. TRIEN, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

PT OF LOT 9 BEG 604.32' SWLY OF NELY COR (270.88' ON ST - IRREG ON SWLY & NWLY - 731.84' ON NELY), Block 50, Milagro Hills #6 Subdivision, City of El Paso, El Paso County, Texas, Parcel #M425-999-0500-8950

to be \$3,633.15, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE

THOUSAND SIX HUNDRED FIFTY SEVEN AND 15/100 DOLLARS (\$3,657.15). The City Council finds that the work was completed on the 21st and 22nd day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE THOUSAND SIX HUNDRED FIFTY SEVEN AND 15/100 DOLLARS (\$3,657.15) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JAMES R. & 2 MCMINN, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot(s) 1 (7693.79 SQ FT), Block 13, Sahara Subdivision, City of El Paso, El Paso County, Texas, Parcel #S033-999-0130-0100

to be \$981.83, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND FIVE AND 83/100 DOLLARS (\$1,005.83). The City Council finds that the work was completed on the 20th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND FIVE AND 83/100 DOLLARS (\$1,005.83) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, EMMA S. CHAPARRO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In

accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5608 Saluki Drive, more particularly described as Lot(s) 3 & 4 (16775 Sq Ft),
Block 13, Sahara Subdivision, El Paso, El Paso County, Texas, Parcel #S033-
999-0130-0500

to be \$336.66, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SIXTY AND 66/100 DOLLARS (\$360.66). The City Council finds that the work was completed on the 13th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SIXTY AND 66/100 DOLLARS (\$360.66) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GRACIELA MARTINEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

609 San Simon Lane, more particularly described as Lot(s) 237 (8834 Sq Ft),
Singh #3 Subdivision, El Paso, El Paso County, Texas, Parcel #S455-999-
001B-7500

to be \$231.44, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTY FIVE AND 44/100 DOLLARS (\$255.44). The City Council finds that the work was completed on the 13th & 15th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY FIVE AND 44/100 DOLLARS (\$255.44) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SALVADOR LEOS, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

408 Grace Place, more particularly described as Tract 31 EXC WLY 5 FT (0.530 Acre), Richland Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #R433-999-0010-8200

to be \$526.38, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FIVE HUNDRED FIFTY AND 38/100 DOLLARS (\$550.38). The City Council finds that the work was completed on the 16th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED FIFTY AND 38/100 DOLLARS (\$550.38) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MICHAEL R. BELCHER, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4836 Emory Road, more particularly described as Lot(s) 1 (11746.03 SQ FT),
Block 2, Vowell Block Replat A Subdivision, El Paso, El Paso County, Texas,
Parcel #V955-999-002A-0100

to be \$429.48, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FOUR HUNDRED FIFTY THREE AND 48/100 DOLLARS (\$453.48). The City Council finds that the work was completed on the 16th and 17th day(s) of July, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED FIFTY THREE AND 48/100 DOLLARS (\$453.48) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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4F.

***RESOLUTION**

That the City Manager be authorized to sign a Release of Lien regarding the property located at 9217 Leonardo.

Ms. Josette Flores, Assistant City Attorney, pointed out that the resolution has been updated.

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4G.

***RESOLUTION**

WHEREAS, on September 22, 2009, the City Council repealed the City ordinances that established a standing Public Utility Regulation Board, so as to eliminate the need for staff to service a board that does not have regularly continuing matters before it;

WHEREAS, it is now appropriate to establish a temporary Public Utility Regulation Board to address two rate case filings and to provide that the temporary Board will automatically sunset upon the completion of the work relating to these two rate case filings.

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

1. That there is hereby established a Public Utility Regulation Board (hereinafter the “Board”) to advise the Mayor and City Council regarding the following two matters:

- a. Application of El Paso Electric Company to change rates, filed with the City of El Paso on December 9, 2009; and
- b. Texas Gas Service, Statement of intent to increase rates within El Paso service area, filed on December 3, 2009.

2. That the Board will consist of 9 members. Each City Council member (including the Mayor) shall each nominate the appointment of one member, with the appointments approved by the Council in accordance with the requirements of the City Charter. Such nominations shall be submitted to the Office of the Mayor no later than January 6, 2010, and the appointments shall be voted on by the Council on January 12, 2010. In the event that a Council member fails to submit a nomination to the Office of the Mayor by January 6, 2010, the Mayor shall on January 7, 2010 include such additional nominations of his own so as to present a slate of nine nominations that shall be placed on the City Council agenda for consideration on January 12, 2010.
3. The City Manager or her designee will make necessary resources available to the Board and will establish the procedures for calling and holding the meetings.
4. The Board shall perform the following duties:
 - a. Investigate, conduct hearings, study and make recommendations to the Mayor and City Council on all matters relating to the two applications described in paragraph 1. In order to perform this duty, the Board is authorized to request testimony and information in the manner authorized under the Charter and by the ordinances and established procedures of the City, and to bring issues forward to the City Council for guidance and resolution.
 - b. Advise the Mayor and City Council on any matters regarding public utilities.
 - c. Any other duties specifically required of it by the City Council in the field of utility regulation.
5. The Board shall meet as often as is necessary for the conduct of its business. At the first meeting of the Board, the members shall elect a chair and vice-chair to facilitate the conduct of the meetings.
6. That the Board shall automatically sunset and dissolve at such time that the City Council has taken final action on the two matters stated in Paragraph 1.

Representative Quintana commented.

Ms. Liza Ramirez-Tobias, Capital Assets Manager, commented.

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 4H.

***RESOLUTION**

WHEREAS, Texas Gas Service Company, a division of ONEOK, distributes natural gas within the City Limits of the City of El Paso pursuant to a franchise granted to Southern Union Company dated as of February 22, 2000, and assigned to ONEOK, Inc. and is a gas utility;

WHEREAS, on December 3, 2009, Texas Gas Service Company filed a Statement of Intent to Increase Rates to propose rate changes and tariffs for gas service within the City of El Paso specifying that the rate change should be effective on January 7, 2010;

WHEREAS, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 103.001, the City of El Paso has exclusive original jurisdiction over the rates, operations, and services of the Texas Gas Service Company within the City of El Paso;

WHEREAS, the City Council has determined that additional time and information is needed for it to study the proposed rate changes and tariffs and the reasons therefor;

WHEREAS, pursuant to the Gas Utility Regulatory Act, Texas Utilities Code Section 104.107, the City of El Paso, as regulatory Authority, has the right to suspend the proposed rate change and tariffs for a period of 90 days after the proposed date the change would otherwise be effective;

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the proposed rate change and tariff; and

WHEREAS, the City Council finds that the City and its counsel and consultants require sufficient supporting documentation and explanation to review the request for an interim rate adjustment.

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

1. That the rate adjustment identified in the Statement of Intent to Increase Rates filed by Texas Gas Service Company a division of ONEOK, Inc., on December 3, 2009, be and is hereby suspended for 90 days after the effective date specified in the filing.
2. That Texas Gas Service Company is hereby ordered to file with the City Clerk and Office of the City Attorney on or before December 22, 2009 complete working papers supporting all of its claimed cost of the investment in service for gas utility services as needed by the City’s attorneys and consultants to conduct its analysis and make recommendations to the Council, including change in return on net investment, change in depreciation expense, change in ad valorem tax and change in federal income taxes to support the Company’s request for an Interim Rate Increase.
3. That the City Manager shall so notify Texas Gas Service Company of the suspension and the order to submit working papers by having a copy of this Resolution delivered or mailed to the Vice President, West Texas Region.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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4I. *RESOLUTION

WHEREAS, El Paso Electric Company, distributes electric power within the City Limits of the City of El Paso pursuant to a 25-year franchise granted to El Paso Electric Company dated as of July 15, 2005, and is an electric utility;

WHEREAS, on December 9, 2009, El Paso Electric Company (“EPE” or the “Company”), filed with the City of El Paso its Application of El Paso Electric Company to Change Rates, to Reconcile Fuel Costs, to Establish Formula-Based Fuel Factors and to Establish an Energy Efficiency Cost Recovery Factor before the Public Utility Commission of Texas (“PUC”), Docket No. 37690 (“Application”);

WHEREAS, pursuant to applicable law, the City of El Paso maintains original jurisdiction over rates of El Paso Electric Company for rates charged within the City limits of the City of El Paso and the Application specifies that the rate change within the City’s jurisdiction should be effective on March 2, 2010;

WHEREAS, the Texas Public Utility Commission has original jurisdiction over the rate change, fuel costs, fuel factor and energy efficiency cost recovery factors and the Application filed December 9, 2009 specifies that these changes within the PUC’s jurisdiction should become effective January 13, 2010;

WHEREAS, the City of El Paso has authorized the City Attorney and its outside counsel to evaluate the Application and intervene in the Application pending before the PUC; and

WHEREAS, the City Council has determined that additional time and information is needed for it to study the proposed rate changes and tariffs and the reasons therefore;

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to suspend the proposed rate change.

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

1. That the rate increase identified in the Application of El Paso Electric Company to Change Rates, to Reconcile Fuel Costs, to Establish Formula-Based Fuel Factors and to Establish an Energy Efficiency Cost Recovery Factor before the City and the Public Utility Commission of Texas, Docket No. 37690 be and is hereby suspended for 90 days after the effective date for the rate increase subject to the City’s jurisdiction as specified in the filing.
2. That the City Manager shall so notify El Paso Electric Company of the suspension and the order to submit working papers by having a copy of this Resolution delivered or mailed to the Senior Vice President and Chief Financial Officer of the Company.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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4J.

***RESOLUTION**

That the Classification and Compensation Plan shall be amended, as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission. (See Attachment “A”).

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4K.

***RESOLUTION**

That the Mayor be authorized to sign a Second Amendment to Interlocal Agreement by and between the City of El Paso, Texas (“City”), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area (“MPO”), and the University of Texas at El Paso (“UTEP”), revising the scope of technical support UTEP agrees to provide to the MPO in certain transportation areas.

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4L.

***RESOLUTION**

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the Public Art Master Plan dated March 1, 2005, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of City Ordinance No. 16324 adopted on April 4, 2006, and amended by Ordinance No. 17165 on August 11, 2009 the City of El Paso provided for art in municipal places and established a means of funding acquisition or commissioning of art for municipal places; and

WHEREAS, the 2010 Public Art Plan (the "Plan") attached hereto as Exhibit "A" has been approved by the Public Art Committee ("PAC") and the Cultural Affairs Advisory Board ("CAAB"), and is being recommended to Council; and

WHEREAS, the City Council may accept or reject any portion of the annual public art plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and CAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

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

1. That the 2010 Public Art Plan for the City of El Paso, Texas ("the Plan"), attached hereto, be and is hereby officially adopted.
2. That the Plan includes new projects to be initiated in the 2010 fiscal year, and describes the planned location, proposed budget, timetable and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2003, 2006 and 2009 certificates of obligation.

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4M.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to Subagreement No. 26-1408-72-64 by and between the City of El Paso (the "City") and The University of Texas at El Paso, for the City to act as a community partner contractor in the HEART Phase 2, "Mi Corazon, Mi Comunidad" project for recreational and health benefits for the community, amending the scope performance period, time frame and authority for future amendments.

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4N.

***RESOLUTION**

WHEREAS, the City Council adopted the Budget Resolution for FY2010 on August 25, 2009; and

WHEREAS, paragraph 40 of the Budget Resolution provides that revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees shall be approved by simple resolution of the City Council; and

WHEREAS, the Council desires to amend the fees for participation the Afterschool programs of the Parks and Recreation Department.

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

1. That Schedule C, attached to the FY2010 Budget Resolution and effective September 1, 2009, shall be amended to revise the fee listed therein for the Parks and Recreation Department Afterschool Program January 1, 2010 through August 31, 2009 (sic) to \$0.00 and correcting August 31, 2009, to read August 31, 2010.

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40.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement for Educational Experience Affiliation (the "Agreement") by and between the City of El Paso (the "City") and The University of Texas at El Paso ("UTEP") for UTEP's placement of its students at the City's Department of Public Health (the "Department") at no cost to the City and authorizing the City Manager to sign Program Agreements specific to each type of placement of UTEP students at the Department.

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4P.

***RESOLUTION**

WHEREAS, the City of El Paso approved an Interlocal Agreement between the City of El Paso and the County of El Paso for the provision of public health services on December 8, 2009;

WHEREAS, the County of El Paso approved said Interlocal Agreement and adjusted the payment schedule to account for the delay in having the document formally approved by County Commissioners;

WHEREAS, the City Council wishes to adopt the modified payment schedule approved by the County of El Paso;

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

That, the City Council approves the modified payment schedule adopted by the County of El Paso on November 9, 2009, in Section 8.1 of the Interlocal Agreement between those two parties, for the provision of public health services by the City of El Paso for the County of El Paso, and related matters, to account for the new dates and scheduled payment amounts, while not changing the maximum amount payable by the County of El Paso to the City of El Paso, and authorizes the Mayor to sign appropriate documents reflecting this modified payment schedule.

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4Q.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the County of El Paso, for the provision of animal services by the City of El Paso for the County of El Paso, for those animals delivered by the County of El Paso to the City's Animal Shelter located at 5001 Fred Wilson Road, for the period of September 1, 2009 through August 31, 2010.

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4R.

Funding Source: 14101001 – 508027 – 60137 – PPW0046004B
2000 Quality of Life Bonds
Total Estimated Amount: \$234,000.00
Reference No.: 2010-114

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6. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Sean Bruna to the El Paso Museum of Archaeology Advisory Board by Representative Steve Ortega, District 7.

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7. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. LPS Property Tax Solutions in the amount of \$2,870.76 overpayment of 2008 taxes. (PID #H791-009-0010-0010).
- B. BAC Tax Services Corporation in the amount of \$4,799.35 overpayment of 2008 taxes. (PID #S619-999-0030-1700).

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-048 (Two-Inch [2"] Galvanized Signposts) to Allied Tube & Conduit Corporation and Centerline Supply for a total estimated award of \$187,285.50.

Department: Street
Award to: Vendor 1: Allied Tube & Conduit Corporation
Harvey, IL
Items: 1 – 5
Option: Two years
Annual Estimated Amount: \$ 38,430.00

Award to: Vendor 2: Centerline Supply
Grand Prairie, TX
Items: 6 – 16
Option: Two years
Annual Estimated Amount: \$ 23,998.50

Account No.: 32010287-503203-01101
Funding Source: General Funds
Total Estimated Award: \$187,285.50 (3-year total)

This is a thirty-six month requirements type 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 Departments of Financial Services, Purchasing Division, and Street recommend award as indicated, to the lowest responsive, responsible bidders.

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9. INTRODUCTION

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

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

An Ordinance amending Title 9 (Health and Safety), Chapter 9.36 (Air Pollution), of the El Paso City Code by deleting Section 9.36.050 and by adding Section 9.36.100 (Disposal Fire Exception). The penalty as provided in Sections 9.52.030.105.1.1 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 5, 2010, FOR THE ITEM
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10A. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager to exercise the City of El Paso’s option to extend the Contract for the Collection of Delinquent Taxes with Delgado, Acosta, Spencer, Linebarger & Perez, LLP for one additional five year period. There is no cost to the City. The firm is paid through the assessment of a 15 - 20% collection fee that is added to delinquent accounts. Extended contract period is through December 31, 2015.

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services, commented.

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10B. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager to exercise the City’s option to extend the Computer System License and Maintenance Agreement with Appraisal and Collection Technologies for one additional five year period for technical support services and website maintenance for billing, collections, records maintenance, ad-hoc reporting, tax bill productions, etc. Extended contract period is through December 31, 2015.

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

Department: Tax
Annual Estimated Amount: \$120,000
Account No.: 06010022 – 502202 – 01101
Funding Source: Tax/Data Processing Services/General Fund
Total Estimated Award: \$600,000
Reference No.: 2010-105

Mayor Cook and Representatives Quintana and Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services
3. Mr. Juan Sandoval, Tax Assessor/Collector

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10C. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-074 (Vehicle Body Repair, Painting and Detailing) to Advanced Auto Collision Repair Center, Inc. for a total estimated award of \$1,200,000.

NOT PRESENT FOR THE VOTE: Representatives Quintana, Holguin and Ortega

Department:	General Services – Fleet Division
Award to:	Advanced Auto Collision Repair Center, Inc. El Paso, TX
Item(s):	All
Option:	2 years
Annual Estimated Amount:	\$400,000
Account No.:	37370510 - 503125 - 45202
Funding Source:	Equipment – Outside Repairs
Total Estimated Award:	\$1,200,000

This is a thirty-six month requirements type 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 Departments of Financial Services, Purchasing Division, and General Services, Fleet Division, recommend award to Advanced Auto Collision Repair Center, Inc., the vendor offering the best value bid.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

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11A.

ORDINANCE 17253

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2010;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

Mayor Cook and Representative Robinson commented.

Marcela Navarette, Chief Financial Officer for El Paso Water Utilities, commented.

Corky Hall, First Southwest, commented.

Motion duly made by Representative Lilly, 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, Robinson and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Quintana, Holguin and Ortega

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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11B. INTRODUCTION AND PUBLIC HEARING – EL PASO WATER UTILITIES/PSB

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE BONDS, SERIES 2010;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Mayor Cook and Representative Byrd commented.

Marcela Navarette, Chief Financial Officer for El Paso Water Utilities, commented

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **DELETED**. Whereupon the Mayor ordered that a vote be taken on the deletion of the Ordinance which when so done resulted as follows:

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

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

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12A.

ORDINANCE 17254

The City Clerk read an Ordinance entitled: **AN ORDINANCE AN ORDINANCE RELEASING CONDITIONS PLACED ON TRACT 2D AND TRACT 2E-1, E.L. DE SHAZO SURVEY NO. 218, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BY CONTRACT DATED MARCH 7, 1957, WHICH CHANGED THE ZONING ON THE PROPERTY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Philip Etiwe, Development Review Manager, commented.

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 and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Quintana, Holguin and Ortega

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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12B. PUBLIC HEARING – DEVELOPMENT SERVICES

1ST MOTION

Motion made, seconded, and unanimously carried to **POSTPONE** five weeks the public hearing on an Ordinance changing the zoning of Tract 6b, Block 5, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to a-2/SC (Apartment/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow an additional speaker to address the Council.

Representative Lilly commented.

Mr. Martin Alvarado, Jr, citizen, commented.

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12C. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. ZON09-00057 to allow for a 100% parking reduction of the off-street parking requirement on the property described as the south 55 feet of Lot 4, Block 134, Third Amended Map of Highland Park Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 and 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

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12D.

ORDINANCE 17255

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00053 TO PERMIT AN ASSISTED LIVING FACILITY AND A CONVALESCENT HOME, ON THE PROPERTY DESCRIBED AS BEING A PORTION OF BLOCKS 1 AND 30 AND PORTIONS OF ROW OUT OF SILVER CHOLLA DRIVE AND MOON RANCH COURT AND ALL OF COW RANCH COURT, ALL WITHIN SANDSTONE RANCH UNIT 7, 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.**

Motion duly made by Representative Robinson, 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 and O'Rourke
NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Quintana, Holguin and Ortega

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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12E.

ORDINANCE 17256

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF POPLAR STREET RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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 and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Quintana, Holguin and Ortega

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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TAKEN WITH ITEM 4B

12F.

ORDINANCE 17257

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.15 (ROADWAYS), SECTION 19.15.060 (STREET STANDARDS), SECTION 19.15.090 (CUL-DE-SAC STREETS), AND SECTION 19.15.110 (STREET WIDTH AND DESIGN), OF THE EL PASO CITY CODE TO ALLOW FOR ALTERNATIVE ROAD DESIGN. THE PENALTY AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Marie Taylor, Assistant City Attorney, gave legal advice.
4. Mr. Victor Torres, Director of Development Services
5. Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure

Ms. Lisa Turner commented.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, to approved as presented and direct staff to come back to Council removing the 36 ft. local street provision.

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

2ND MOTION

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

3RD AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED**, directing staff to come back to Council removing the 36 foot local street provision. 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, Quintana, Ortega, and O'Rourke
NAYS: Representative Robinson
NOT PRESENT FOR THE VOTE: Representative Holguin

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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TAKEN WITH ITEM 13B

13A.

ORDINANCE 17258

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E), TEXAS TAX CODE; ALSO PROVIDING A SEVERABILITY CLAUSE.**

Veronica Rosales-Soto, commented.

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, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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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TAKEN WITH ITEM 13A

13B.

RESOLUTION

WHEREAS, by Ordinance No. 017081, adopted March 10, 2009, El Paso City Council adopted as the final Project Plan and Reinvestment Zone Financing Plan for the Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas (the "Zone") in accordance with the Tax Increment Financing Act (the "Act") for the purposes of development within the Redevelopment Districts in the Downtown 2015 Plan; and

WHEREAS, on April 7, 2009, by Ordinance No. 017102, City Council adopted an amendment to the Final Project Plan and Final Reinvestment Zone Financing Plan to include approved projects eligible for tax increment finance funds under the plans, including Project No. 1: Commercial Façade Improvement Grant Program, following adoption of the amendment by the Board of Directors of the Zone (the "Board"); and

WHEREAS, on November 12, 2009, the Board adopted an amendment to the Final Project Plan and Final Reinvestment Zone Financing Plan to include additional funding in the amount of \$25,000 for additional eligible project costs for Project No. 1: Commercial Façade Improvement Grant Program and recommended revisions to the Program design requirements in order to enhance project aesthetics; and

WHEREAS, subject to City Council approval of the amendment to the final Project Plan and final Reinvestment Zone Financing Plan and passage of an Ordinance related thereto, the City desires to revise the Program Guidelines of the Commercial Façade Improvement Program for the Zone, as recommended by the Economic Development Department.

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

That the Program Guidelines for the Tax Increment Reinvestment Zone No. 5 (Downtown) Commercial Façade Improvement Grant Program, attached as **Exhibit "A"**, are revised as recommended by the Economic Development Department, subject to passage of the Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for the Zone related hereto.

Representatives Ortega and O'Rourke commented.

Ms. Veronica Rosales-Soto, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** a Resolution that subject to passage of the Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan related hereto, the Program Guidelines for the Tax Increment Reinvestment Zone No. 5 (Downtown) Commercial Façade Improvement Grant Program are revised to enhance project aesthetics, as recommended by the Economic Development Department.

NOT PRESENT FOR THE VOTE: Representative Holguin

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14. PUBLIC HEARING – ENGINEERING

Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030, Schedule III (Parking Prohibited at all Times on Certain Streets), of the El Paso City Code by amending Number 34, "Schuster Avenue between Oregon Street and Campbell Street, both sides", to "Schuster Avenue between Oregon Street to its terminus at the west end, both sides" and to delete number 88, "Schuster Avenue from Sun Bowl Road to Hawthorne Street, both sides"; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

Representative O'Rourke commented.

Mr. Alan Shubert, City Engineer, commented.

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ITEMS TAKEN TOGETHER

15A.

ORDINANCE 17259

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.**

15B.

ORDINANCE 17260

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

Representative Ortega commented

Assistant Fire Chief Michael Calderazzo, commented

Motion duly made by Representative Quintana, 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 Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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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16A. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to direct staff to revisit the cell phone tower Ordinance and to provide recommendations to amend Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to limit the number of collocations permitted on each personal wireless service facility, to require that all nonconforming ground-mounted personal wireless service facilities be camouflaged when modified or rebuilt, to require that a certain number of existing ground-mounted personal wireless facilities be camouflaged for every new personal wireless service facility permitted, to add that if a cell phone tower is inactive for period of time, it needs to come down, and to research other cities regarding new regulations and trends for personal wireless service facilities.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representatives Byrd and Ortega commented.

The following City staff members commented:

1. Mr. Victor Torres, Director of Development Services

2. Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Ms. Yolanda Giner, representing Crown Castle, commented.

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TAKEN WITH ITEM 16C

16B. MAYOR AND COUNCIL – LEGISLATIVE REVIEW COMMITTEE REPORT

1. For notation: Formal report of the Planning and Development Legislative Review Committee meeting held on December 2, 2009, as submitted by Ann Morgan Lilly, 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) Allowing for development of an amendment to various portions of the El Paso City Code pertaining to the regulation of boarding home facilities pursuant to changes in the state requirements, and requesting that staff develop the proposed Code amendments working with various community advocates and agencies.
 - B) Allowing for development of an amendment to the El Paso City Code (Zoning) pertaining to the regulation of personal care facilities and assisted care facilities within single-family residential zones, and specifying the supplemental requirements for each type of facility.
 - C) Soliciting public input regarding an amendment to the El Paso City Code (Zoning) to establish off-street parking maximums for certain uses on properties outside of the Downtown Area, and reporting back to the LRC on the input received to allow further direction on such a proposed amendment.
 - D) Allowing for development of an amendment to the El Paso City Code (Zoning) that permits administrative review and approval of parking reduction applications that do not exceed a 10% reduction.
 - E) Allowing for development of an amendment to the El Paso City Code (Zoning) that expands the boundaries of the City of El Paso Improvement District No. 3 to match the boundaries of the Downtown 2015 Plan, so as to expand the area for which 100% of the off-street parking requirements are waived under the Code, and for which redevelopment project incentives may be available. [Development & Infrastructure, Patricia D. Aduato, (915) 541-4853]

Mayor Cook and Representative Quintana commented

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure
3. Mr. Victor Torres, Director of Development Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice

NO ACTION WAS TAKEN

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TAKEN WITH ITEM 16B

16C. DEVELOPMENT AND INFRASTRUCTURE:

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **APPROVE** all five items, asking the City Manager to move forward with them and to consider on item number 4, the appeal going to City Council.

1. To direct that the City Manager prepare an amendment to various portions of the El Paso City Code pertaining to the regulation of boarding home facilities pursuant to changes in the state requirements, and requesting that staff develop the proposed Code amendments working with various community advocates and agencies; as requested by the Planning & Development Legislative Review Committee.
2. To direct that the City Manager prepare an amendment to the El Paso City Code (Zoning) pertaining to the regulation of personal care facilities and assisted care facilities within single-family residential zones, and specifying the supplemental requirements for each type of facility; as requested by the Planning & Development Legislative Review Committee.
3. To direct that the City Manager solicit public input regarding an amendment to the El Paso City Code (Zoning) to establish off-street parking maximums for certain uses on properties outside of the Downtown Area, and reporting back on the input received to allow further direction on such a proposed amendment; as requested by the Planning & Development Legislative Review Committee.
4. To direct that the City Manager prepare an amendment to the El Paso City Code (Zoning) that permits administrative review and approval of parking reduction applications that do not exceed a 10% reduction; as requested by the Planning & Development Legislative Review Committee.
5. To direct that the City Manager prepare an amendment to the El Paso City Code (Zoning) that expands the boundaries of the City of El Paso Improvement District No. 3 to match the boundaries of the Downtown 2015 Plan, so as to expand the area for which 100% of the off-street parking requirements are waived under the Code, and for which redevelopment project incentives may be available; as requested by the Planning & Development Legislative Review Committee.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mayor Cook and Representatives Quintana and Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure
3. Mr. Victor Torres, Director of Development Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice

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17A.

R E S O L U T I O N

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

1. That the City Council approves the following amendments to the Empowerment Zone Program Revolving Loan Fund Lending Guidelines:
 - a. Applicants for loans under \$5,000 are not required to carry general liability insurance.
 - b. Applicants for loans under \$5,000 will be required to carry only property and/or liability insurance on the collateral.
 - c. Applicants for loans over \$5,000 will be required to create or retain one job for every \$35,000 Empowerment Zone loan funds requested.
 - d. Applicants for loans under \$5,000 will not be subject to the cost per job ratio.
2. That the City Manager is authorized to execute standard loan agreements and any related loan documents for Empowerment Zone loans under or at \$50,000, when issued in accordance with the City's Empowerment Zone Program Revolving Loan Fund Lending Guidelines and upon the review and approval of the City Attorney's Office.

Representative Ortega commented.

The following City staff members commented:

1. Mr. William Lilly, Director of Community & Human Development
2. Mr. Charlie McNabb, City Attorney, gave legal advice

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 11:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 11:42 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta and Holguin

3RD AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **APPROVE** a Resolution approving amendments to the Empowerment Zone Program Revolving Loan Fund Lending Guidelines as recommended by the Director of the Community and Human Development Department and the Empowerment Zone Advisory Board; and, authorizing the City Manager to execute standard loan agreements and any related loan documents for Empowerment Zone loans under or at \$50,000, when issued in accordance with the City's Empowerment Zone Program Revolving Loan Fund Lending Guidelines and upon the review and approval of the City Attorney's Office. Funding Source: Subsequent loans to be funded by 71150075-11002-71000-G71EZECEPEZ with the EZ Revolving Loan Fund revenue deposited in account number 71150075-11002-71000-G71EZ BOF.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, and Holguin

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17B.

RESOLUTION

WHEREAS, as part of City administration of the Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 through the United States Department of Housing and Urban Development ("HUD"), the Empowerment Zone Advisory Board and the Community and Human Development Department Director, recommend that City Council approve funding awards to the agencies and/or projects identified in Exhibit "A", with respect to the remaining unencumbered funds in the amount of \$400,679; and

WHEREAS, the Community and Human Development Department Director and the Empowerment Zone Advisory Board further recommend that City Council approve the budget reallocations identified in Exhibit "B", so that the City can satisfy the July 2, 2010 Grant period deadline for expending the available Empowerment Zone funds.

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

That the City Council approves the funding awards identified in Exhibit "A" and the budget reallocations identified in Exhibit "B", as recommended by the Director of the Community and Human Development Department and the Empowerment Zone Advisory Board.

Representative Ortega commented

Mr. William Lilly, Director of Community & Human Development, commented

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Resolution approving Empowerment Zone funding awards with respect to the remaining unencumbered funds in the amount of \$400,679, and budget reallocations, as recommended by the Director of the Community and Human Development Department and the Empowerment Zone Advisory Board. 71150075-11002-71000-G71EZECEPEZ with the EZ Revolving Loan Fund revenue deposited in account number 71150075-11002-71000-G71EZ BOF.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Holguin

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18A. ENVIRONMENTAL SERVICES:

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **KEEP** the Environmental Services Department policy as it is for vacant residential homes.

NOT PRESENT FOR THE VOTE: Representative Holguin

Representatives Byrd, Acosta, Robinson and Quintana commented

The following City staff members commented:

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

18B. ENVIRONMENTAL SERVICES:

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Chuck Heist to speak after sign up period.

NOT PRESENT FOR THE VOTE: Representative Quintana and Holguin

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to reaffirm that City Council **DIRECTS** the City Manager to instruct the Environmental Services Department to 1) pursue flow control; 2) pursue franchise agreements; 3) refrain from charging franchise fees until fees can be equitably applied to all commercial haulers; and 4) refrain from privatization.

NOT PRESENT FOR THE VOTE: Representative Holguin

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Acosta and Robinson commented

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Stan Briggs, Texas Disposal System, Austin, Texas
- 2. Mr. Chuck Heist

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19.

RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and The County of El Paso regarding the provision of management services by the County for the City's IT Department and that the City Manager be authorized to effectuate all documentation related to the inter-local agreement including reorganizing functions to other departments, including any related budget transfers.

Mr. John Neal, City Manger's Office, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Robinson, O'Rourke, Acosta, Quintana and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. Art Armis, County IT Director
- 2. Ms. Lisa Turner

3. Commissioner Veronica Escobar

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT** after Item 1 on regular.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED** with a briefing of the performance to Council every six months, a Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of El Paso and the County of El Paso regarding the provision of management services by the County for the City's IT Department and that the City Manager be authorized to effectuate all documentation related to the inter-local agreement including reorganizing functions to other departments, including any related budget transfers.

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

NAYS:NONE

NOT PRESENT FOR THE VOTE: Representative Ortega

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20.

RESOLUTION

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the Public Art Master Plan dated March 1, 2005, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of City Ordinance No. 16324 adopted on April 4, 2006, and amended by Ordinance No. 17165 on August 11, 2009 the City of El Paso provided for art in municipal places and established a means of funding acquisition or commissioning of art for municipal places; and

WHEREAS, the 2010 Public Art Plan (the "Plan") attached hereto as Exhibit "A" has been approved by the Public Art Committee ("PAC") and the Cultural Affairs Advisory Board ("CAAB"), and is being recommended to Council; and

WHEREAS, the City Council may accept or reject any portion of the annual public art plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and CAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

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

1. That the 2010 Public Art Plan for the City of El Paso, Texas ("the Plan"), attached hereto, be and is hereby officially adopted.

2. That the Plan includes new projects to be initiated in the 2010 fiscal year, and describes the planned location, proposed budget, timetable and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2003, 2006 and 2009 certificates of obligation.

Representative Quintana commented.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, and unanimously carried to **APPROVE** a Resolution that the 2010 Public Art Plan be adopted. Funding Source: Public Art Fund, Account 502102 2003, 2006 and 2009 Certificates of Obligation.

NOT PRESENT FOR THE VOTE: Representative Holguin

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 ITEMS TAKEN TOGETHER:

21A.

R E S O L U T I O N

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

1. It is the policy of the City of El Paso that all forms of mining and drilling for oil and gas are prohibited in the Sandstone Ranch Park, Marcus Uribe Drive, El Paso, Texas 79934.
2. It is the policy of the City of El Paso that no previously drilled and abandoned oil or gas well or mine may be reopened in the Sandstone Ranch Park, Marcus Uribe Drive, El Paso, Texas 79934.

21B.

R E S O L U T I O N

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

1. It is the policy of the City of El Paso that all forms of mining and drilling for oil and gas are prohibited in the Dog Park at Westside Community Park, 7400 High Ridge, El Paso, Texas 79912.
2. It is the policy of the City of El Paso that no previously drilled and abandoned oil or gas well or mine may be reopened in the Dog Park at Westside Community Park, 7400 High Ridge, El Paso, Texas 79912.

Representative Robinson commented.

Mr. Joel McKnight, Assistant Director of Parks and Recreation, commented.

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolutions.

NOT PRESENT FOR THE VOTE: Representative Holguin
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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 12:43 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk