

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 3, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly and Eddie Holguin, Jr. at 9:00 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. DR. MARTIN LUTHER KING, JR. FOOD DRIVE WEEK
2. NATIONAL MENTORING MONTH
3. CRIME STOPPERS MONTH

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/city_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. Richard Schecter

Representatives Lilly, Presi Ortega, Jr., and Byrd commented.

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council meeting at 8:36 a.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

Motion made by Representative Castro, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council meeting at 9:00 a.m.

EX1. Discussion and action on collection of amounts owed to the City of El Paso by A & A RE Investments, L.P. for a rehabilitation loan secured by real property commonly known as 8956 Roberts, 8960 Roberts, 8968 Roberts, 8961 Hebert, 8965 Hebert, 8969 Hebert, and 8973 Hebert. (551.071).

*Motion made, seconded, and unanimously carried to **POSTPONE** the item until the City Council Meeting of January 9, 2007.

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CONSENT AGENDA

*Motion made by Mayor Pro Tempore Presi Ortega, Jr., 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, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYES: None
NOT PRESENT FOR THE VOTE: Representative Castro

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of December 27, 2006, and the Special City Council Meeting of December 26, 2006 (Agenda Review).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.

.....
3.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, RIVER OAKS PROPERTIES, LTD., owner 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 Department of Solid Waste Management 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 1, Block 60, Tierra Del Este #11 Subdivision (6.0000 ACRE), City of El Paso, El Paso County, Texas, Parcel #T287-999-0600-0100,

to be ONE THOUSAND SIX HUNDRED TWENTY-THREE AND 75/100 DOLLARS (\$1,623.75) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 30th day of December, 2004, 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 SIX HUNDRED TWENTY-THREE AND 75/100 DOLLARS (\$1,623.75) 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.

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.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, YSLETA BAPTIST CHURCH, owner 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 Department of Solid Waste Management 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:

8609 Alameda Avenue, City of El Paso, El Paso County, more particularly described as Tract 17-F, Block 36, Ysleta Subdivision, Parcel #Y805-999-036B-1710,

to be SEVEN HUNDRED EIGHTY-FOUR AND 8100 DOLLARS (\$784.81) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 12th day of August, 2005, 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 SEVEN HUNDRED EIGHTY-FOUR AND 8100 DOLLARS (\$784.81) 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.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, YSLETA BAPTIST CHURCH, owner 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 Department of Solid Waste Management 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 1 (1.12 ACRES), Block 22, West Ysleta Subdivision, City of El Paso, El Paso County, Texas, Parcel #W142-999-0220-0100,

to be FOUR HUNDRED TWENTY-SEVEN AND 59/100 DOLLARS (\$427.59) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 12th and 15th days of August, 2005, 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 TWENTY-SEVEN AND 59/100 DOLLARS (\$427.59) 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.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HECTOR CANO, owner 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 Department of Solid Waste Management 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:

1300 Trudy Elaine Drive #B, City of El Paso, El Paso County, Texas, more particularly described as Point of Lot 1 BEG 34.30 Ft. W from SEC (Unit B) and 25% Und. Int. in WLY 2712.75 SQ FT of (Unit E), Block 22-A, Vista Granada #2 Replat A Subdivision, Parcel #V894-999-022A-0120,

to be ONE HUNDRED TWO AND 84/100 DOLLARS (\$102.84) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 21st day of December, 2005, 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 HUNDRED TWO AND 84/100 DOLLARS (\$102.84) 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.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SHELBA J. MATTESON, owner 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 Department of Solid Waste Management 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:

1216 North Copia Street, City of El Paso, El Paso County, Texas, more particularly described as 40 FT of Lots 30 to 32 BEG 50 FT S of NWC, Block 117, East El Paso Subdivision, Parcel #E014-999-1170-8100,

to be FOUR HUNDRED FORTY-NINE AND 24/100 DOLLARS (\$449.24) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 31st day of August, 2005, 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 FORTY-NINE AND 24/100 DOLLARS (\$449.24) 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.

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LUCIA ORTIZ, owner 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 Department of Solid Waste Management 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:

511 South Virginia Street, City of El Paso, El Paso County, Texas, more particularly described as Lot 4 (3120 SQ FT), Block 111, Campbell Subdivision, Parcel #C050-999-1110-2100,

to be \$106.09, performed by the Solid Waste Management 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 ONE HUNDRED THIRTY AND 09/100 DOLLARS (\$130.09). The City Council finds that the work was completed on the 19th day of June, 2006, 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 HUNDRED THIRTY AND 09/100 DOLLARS (\$130.09) 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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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katherine L. Updike to the City Plan Commission by Representative Beto O'Rourke, District 8.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Fernando Parra to the Committee on Border Relations by Representative Melina Castro, District 4

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5. APPLICATIONS FOR TAX REFUND

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

- A. R. Ramos Family Trust, LLP in the amount of \$2,779.37 overpayment of 2006 taxes. (PID #G195-000-0300-0000).
- B. GMAC Mortgage in the amount of \$5,079.06 overpayment of 2005 taxes. (PID #N425-999-0060-2200).
- C. Christopher S. Dixon in the amount of \$2,634.74 overpayment of 2006 taxes. (PID #P605-999-0060-2300).
- D. Countrywide Tax Services in the amount of \$2,724.00 overpayment of 2004 taxes. (PID #T287-999-0170-0500).
- E. Lawyers Title in the amount of \$3,234.87 overpayment of 2006 taxes. (PID #V893-999-2220-0100)
- F. Sierra Title Company in the amount of \$3,276.74 overpayment of 2006 taxes. (PID #V893-999-5310-2350)
- G. LandAmerica Lawyers Title in the amount of \$2,930.98 overpayment of 2006 taxes. (PID #W145-999-0720-2300).

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6A. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-015, Preventive Maintenance and Emergency Repairs of Vertical Lift Pump, Submersible Pumps, and Centrifugal Pumps.

Department:	Street
Award to:	B&M Machinery Company
	El Paso, TX
Item(s):	1 - 6
Option:	One additional year prior to the end of the contract
Annual Estimated Amount:	\$32,500.00
Account No.:	32010160-01101-502227
Funding Source:	Streets Storm Water Flood Management
Total Estimated Award:	\$97,500.00

This is a thirty-six (36) month contract.

The Departments of Financial Services and Streets recommend award to the vendor offering the best value bid.

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6B. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-032, Janitorial Services – El Paso Public Libraries.

Department: El Paso Public Library
Award to: Vendor 1: Carefree Janitorial Services
El Paso, TX
Item(s): Areas 1 and 3
Discount: Vendor offers a prompt payment discount of 1% -10 days
Option: Extend contract 2 years, one year at a time
Annual Amount: \$127,392.00

Award to: Vendor 2: The Eagle Janitorial
El Paso, TX
Discount: Vendor offers a prompt payment discount of 3% -20 days
Item(s): Area 2
Option: Extend contract 2 years, one year at a time
Annual Amount: \$29,038.44

Total Annual Amount: \$156,430.44

Account No.: 53010201-01101-502206
Funding Source: Operating Account Janitorial Contracts
Total Award: \$469,291.32

This is a thirty-six (36) month contract.

The Departments of Financial Services and El Paso Public Library recommend award to the vendors offering the best value bids.

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7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-049, Citywide Swings Project 2006.

Department: Parks and Recreation
Award to: Con-Tex Construction Co.
Sunland Park, New Mexico
Items: Base Bid I: \$66,021.00
Alternate No. 1: \$ 8,486.00
Alternate No. 2: \$10,425.00
Alternate No. 3: \$ 7,946.00
Alternate No. 4: \$ 7,541.00
Account No. 31114001-PPA06001-27042-508027
Funding Source: Proceeds CO's 1994A Issue
Total Award: \$100,419.00

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract. Parks and Recreation Departments recommend award as indicated to the lowest responsive, responsible bidder.

Representative Byrd and Lozano commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Financial Services
3. Mr. Rick Conner, City Engineer

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8A. – 8C.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Schedule VI - Parking Time Limited on Certain Streets), of the El Paso City Code to add Subparagraph G to identify the parking time limited to thirty minutes between 8:00 a.m. and 5:00 p.m. except Sundays and Legal Holidays on Maple Street from Montana Avenue to a point 60 feet south thereof, east side only. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets), of the El Paso City Code to add a new location and amend an existing location. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV - Speed Limits), Subsections G (Forty Miles per Hour), H (Forty-Five Miles per Hour), I (Fifty Miles per Hour), J (Fifty-Five Miles per Hour), and Subsection L (Sixty Miles per Hour) of the El Paso City Code to amend and designate certain speed limits on Loop 375 and Woodrow Bean/Trans Mountain Drive, the penalty is as provided in Section 12.84.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 16, 2007, FOR ITEMS A – C

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9A.

ORDINANCE 16534

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A3, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL); AND PARCEL 2: A PORTION OF TRACT 1A, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO**

COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro

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

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9B.

ORDINANCE 16535

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), OF THE CITY CODE TO AMEND THE PROVISIONS RELATING TO PARADE COSTS AND FEES; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 – 1.08.030 OF THE CITY CODE.**

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Harry Steele, Development Services, commented.

Motion duly made by Representative Holguin, 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, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
ABSTAIN: Representative Castro
NOT PRESENT FOR THE VOTE: Representative Byrd

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

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10.

ORDINANCE 16536

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL A 2.378-ACRE PARCEL OF LAND, MORE OR LESS, BEING A PORTION OF TRACTS 74-78, INCLUSIVE, CINECUE PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO JORGE VALENZUELA AND RUBEN PEREA.**

Ms. Carmen Arrieta-Candelaria, Comptroller, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

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

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11A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** until the January 9, 2007, City Council Meeting the item regarding discussion and action on Digital El Paso Pilot Project Initiative, Memorandum of Understanding (MOU). [Mayor's Office, Robert Andrade, (915) 541-4145]
POSTPONED FROM 12-19-06

Mayor Cook and Representatives Byrd and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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11B.

R E S O L U T I O N

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

WHEREAS, the 80th Texas Legislature convenes on January 9, 2007;

WHEREAS, the Texas Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

WHEREAS, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED LEGISLATIVE AGENDA IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 80TH TEXAS LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Texas Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's legislative lobbyist and state agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.
3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

Mayor Cook and Representatives Holguin, Byrd, Steve Ortega, Lozano, O'Rourke, Castro, and Presi Ortega, Jr. commented.

The following City staff members commented:

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

3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. Ray Gilbert

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Schechter an additional three minutes to speak.

2ND MOTION

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert to speak after the sign-up period.

3RD MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **APPROVE** item I.4.a. of the revised City of El Paso 2007 State Legislative Priorities.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representatives Castro and Holguin

4TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and carried to **APPROVE** item I.4.b. of the revised City of El Paso 2007 State Legislative Priorities.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representatives Castro and Holguin

5TH MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **APPROVE** item I.6. of the revised City of El Paso 2007 State Legislative Priorities.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representative Castro
ABSTAIN: Representative Holguin

6TH MOTION

Motion made by Representative Lozano, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **APPROVE** items I.1., I.2., I.3., I.5., I.7., and I.8. of the revised City of El Paso 2007 State Legislative Priorities.

7TH MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **APPROVE** items II.3. Bullets 1 through 3, of the revised City of El Paso 2007 State Legislative Priorities.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representatives Castro and Holguin

8TH MOTION

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **APPROVE** the support of legislation that would create further protection from predatory lending practices and oppose legislation that would erode the protections currently in place in existing laws (additional bullet under II.3. of the revised City of El Paso 2007 State Legislative Priorities).

9TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **APPROVE** the remaining items under II and III, with the removal of the last bullet under III of the revised City of El Paso 2007 State Legislative Priorities

10TH AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution and the revised City of El Paso 2007 State Legislative Priorities.

NOTE: Representatives Castro and Holguin stated, for the record, that they oppose the individual items they voted against in the prior motions, as noted in the Minutes of this meeting.

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11C. MAYOR AND COUNCIL:

Discussion and action regarding first in, first out policy in taxi cab zone on 6th Street.

Assistant Police Chief Paul Cross presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Charlie McNabb, City Attorney, gave legal advice, and EPPD Sergeant Jack Matthews commented.

Mr. Joe Olivar and Mr. Oliver Olivar, Border Taxicab Company, commented.

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

Aside from the procedural motion above, **NO ACTION WAS TAKEN** on the item.

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12A. DEVELOPMENT SERVICES

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried that the City **ACCEPTS** the dedication of a Street Right-of-Way located within portions of Tracts 21A, 21E, 21F, 21D, 21B, 21C, 21C1B, 21C1A, 21C1, 21C1C, 22B, 23B1, 23B, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibits "A-1 - A-13" and that the roadway be named "Por Fin Lane".

Ms. Kelly Carpenter, Planning Director, commented.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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12B. DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item that the City Manager be authorized to sign a Development Agreement by and between the City of El Paso, the El Paso Water Utilities-Public Service Board, and El Paso Jamas, Ltd and B.A.R. Construction, Inc. to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West extraterritorial jurisdiction and containing 57.226 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board. (West Extraterritorial Jurisdiction - Adjacent to District 1)

Representative Steve Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kelly Carpenter, Planning Director
3. Ms. Theresa Cullen-Garney, Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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12C. DEVELOPMENT SERVICES

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** Council Ratification of the professional services contract with AMEC Earth & Environmental, Inc. related to Storm 2006 projects for an amount not to exceed \$300,000 for on-call drainage services. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

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13. ENGINEERING

That the City Manager be authorized to sign a Third Amendment to the Agreement for Engineering Services between the City of El Paso and Parkhill, Smith & Cooper, Inc. for a project known as "Closure of Clint Landfill Permit 1482" which authorizes the Engineer to proceed with the preparation and development of design plans, specifications, and construction phase services for the closure of the Clint Landfill facility. The additional work shall include a permit modification request for leachate recirculation at the landfill in an amount not to exceed seven hundred fifty-two thousand eighty-five and 00/100 dollars (\$752,085.00).

Mayor Cook and Representative Holguin commented.

Ms. Ellen Smyth, Environmental Services, commented.

1ST MOTION

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **APPROVE** the item.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

2ND MOTION

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

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

3RD AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to **APPROVE** the item.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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14. FINANCIAL SERVICES

R E S O L U T I O N

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

THAT the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and the El Paso County, Texas whereby the El Paso County may purchase vehicles under Contract Nos. 2005-262 and 2006-061 previously awarded by the City of El Paso to Casa Ford, Inc.

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

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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15. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

Mayor Cook and Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION WAS TAKEN on the item.

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Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 11:08 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk