

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
JANUARY 5, 2010
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: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 8:43 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **CRIME STOPPERS MONTH**
2. **DR. MARTIN LUTHER KING, JR. FOOD DRIVE 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. David Henderson
2. Mr. Ray Gilbert
3. Mr. Barney Field

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Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representative Holguin

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:05 a.m. and **RECONVENE** the meeting of the City Council, during which time a motion was made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. Discussion and action on potential notice of default concerning the Chapter 380 Agreement with Centro Mayapan, Inc. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City of El Paso authorizes the City Attorney to take any and all action to **PROTECT THE CITY'S INTEREST** and position both affirmative and defensive, as necessary, related to collection efforts and debt recovery of the City's loan to Centro Mayapan, Inc., issued in connection with the parties' Chapter 380 Economic Development Program Agreement, with said recovery to include without limitation any late charges, penalties, costs, and fees.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, proof of claims, complaints and any other administrative or judicial proceeding or process, in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

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1. DEVELOPMENT AND INFRASTRUCTURE

A joint presentation by the City of El Paso and El Paso County Census 2010 Complete Count Committee on the Census effort and recognition of the Complete Count Committee members and Census Partnership throughout the City and County.

Mr. Jessie Acosta, Chairman of the El Paso Complete Count Committee, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook commented.

Mr. Jorge Artalejo, citizen, commented.

NO ACTION was taken on the item.

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CONSENT AGENDA

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

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

NAYS: None

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of December 22, 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 the Mayor be authorized to submit the paperwork necessary for the City of El Paso to join the Cities of Service Coalition, including the attached Declaration of Service, and amending the City of El Paso Federal Legislative Agenda to include the goals contained in the Serve America Act.

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4B.

***RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding by and between the City Of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Ysleta Independent School District ("YISD"), whereby YISD has agreed to provide video recording services to the MPO at a cost to the MPO as therein provided.

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5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Elia Perez to the El Paso Museum of Archaeology Advisory Board by Representative Susie Byrd, District 2.

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5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ruben Raymond Valencia to the El Paso Museum of Archaeology Advisory Board by Representative Rachel Quintana, District 5.

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5C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gary Porras to the Construction Board of Appeals by Representative Eddie Holguin Jr., District 6.

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6. APPLICATIONS FOR TAX REFUNDS

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

- A. Mark Velasquez in the amount of \$3,131.34 overpayment of 2009 taxes. (PID #P654-999-0770-1700).
- B. CitiMortgage in the amount of \$5,158.86 overpayment of 2009 taxes. (PID #T287-999-0710-0700).
- C. CitiMortgage in the amount of \$3,621.04 overpayment of 2008 taxes. (PID #T287-999-1330-3700).

D. Chicago Title Insurance Co. in the amount of \$6,174.18 overpayment of 2008 taxes. (PID #V893-999-1650-1100).

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7A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Envision Product Design, LLC, for the purchase of an Open Vision LT C-Arm Video X-Ray system under the GSA Contract GS-07F-0280T 1122 Program. The Open Vision LT C-Arm Video X-Ray system purchased will be used to support the El Paso Police Department Bomb Squad and counter drug activities. The total estimated amount is \$59,771.31.

Department: Police
Account No.: 22150024 – 508035 – 07189 – G210918
Funding Source: Urban Area Security Initiative (UASI) Program FY08
Total Estimated Award: \$59,771.31
Sole Source No.: 2010-118

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7B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2007-032 (Janitorial Services – El Paso Public Libraries) with Carefree Janitorial Services and with Eagle Janitorial Services for one additional year pursuant to the provisions to an award approved by City Council on January 3, 2007. Contract period is January 16, 2010, to January 15, 2011.

Department: Library
Option: One [of two]
Estimated Amount: \$114,050 (Total for 1-year extension)
Account No.: 53010201 – 502206 – 01101
Funding Source: Maintenance Services Contract - Janitorial

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7C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2006-014R (Property, Casualty, Boiler and Machinery Insurance) with Great American Insurance Company through Wells Fargo Insurance of Texas, Inc., for one additional year pursuant to the provisions of an award approved by City Council on January 3, 2006. Extended contract period is through January 2, 2011.

Department: OMB/Insurance & Benefits
Option: Two [of two]
Account No.: 99010273 – 504409 – 01101
Funding Source: Non-Departmental Account
Total Estimated Amount: \$431,204

8A., 8C., & 8D. INTRODUCTIONS

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

- 8A.** An Ordinance vacating a portion of Portland Avenue, City of El Paso, El Paso County, Texas.
- 8C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.56 (Schedules), Section 12.56.020 (Installation), of the El Paso City Code by providing that the International Bridges Director may designate areas in which the parking meter fee may be required for particular hours and providing for exceptions. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8D.** 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 Campbell 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.

PUBLIC HEARING WILL BE HELD ON JANUARY 12, 2010, FOR ITEMS 8A, 8C, AND 8D

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8B. INTRODUCTION

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

- 8B.** An Ordinance amending Ordinance No. 017176 which imposed a moratorium for a period of ninety days and Ordinance No. 017231 which extended the moratorium period an additional sixty days on the acceptance of applications for permits and issuance of permits for the erection, construction, or modification of off premise signs or billboards, to extend the moratorium period for one hundred and twenty additional days.

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

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

PUBLIC HEARING WILL BE HELD ON JANUARY 12, 2010, FOR ITEM 8B

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9A. ORDINANCE 17261

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.14 (OFF-STREET PARKING, LOADING AND STORAGE STANDARDS), ARTICLE I (VEHICULAR PARKING), SECTION 20.14.070 (PARKING REDUCTIONS), TO ALLOW ADMINISTRATIVE APPROVAL OF UP TO A TEN PERCENT PARKING REDUCTION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

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

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

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

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9B.

ORDINANCE 17262

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.14 (OFF-STREET PARKING, LOADING AND STORAGE STANDARDS), SECTION 20.14.050 (REQUIRED PARKING), TO ADD PROVISIONS FOR IMPROVEMENT DISTRICT NO. 3. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

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9C. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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9D.

ORDINANCE 17263

The City Clerk read an Ordinance entitled: **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.**

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

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

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Jesus Jaime, representing the applicant, commented.

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

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

NAYS: Representative O'Rourke

Whereupon the Mayor ordered that, the vote having been cast against the Ordinance, the same be and the same are hereby **DENIED**.

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10. PUBLIC HEARING – ENVIRONMENTAL SERVICES

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the public hearing on 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.

NOT PRESENT FOR THE VOTE: Representatives Byrd and O'Rourke

Mayor Cook and Representatives Holguin and Quintana commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

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11A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action on reinstating senior dances at senior centers on weekends.

Representative Byrd commented.

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11B. MAYOR AND COUNCIL

Discussion and action on instituting a process for land use decisions on Public Service Board (PSB) land sales of 50 acres or less.

Representatives Byrd, Robinson, Ortega, and Acosta commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

NO ACTION was taken on this item.
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Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 10:39 a.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk