

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 12, 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: Susannah M. Byrd, Emma Acosta, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals: Ann Morgan Lilly at 8:36 a.m. during Executive Session deliberations, Rachel Quintana at 8:39 a.m. during Executive Session deliberations, and Eddie Holguin, Jr. at approximately 8:40 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL BLOOD DONOR MONTH**
2. **NATIONAL MENTORING MONTH**
3. **DR. MARTIN LUTHER KING, JR. DAY**

RECOGNITION

**NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICES –
BLUE SEAL OF EXCELLENCE AWARDED TO
GENERAL SERVICES DEPARTMENT'S FLEET SERVICES DIVISION**

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. Ms. Lisa Turner
2. Mr. Sal Gomez
3. Mr. Raul Castaneda

Motion made by Representative Robinson, seconded by Representative O'Rourke, 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 items listed on the Agenda.

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:03 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. 420 N. Campbell, El Paso, Texas. (551.072)

NO ACTION was taken on the item.

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EX2. 201-205 Stanton, El Paso, Texas. (551.072)

NO ACTION was taken on the item.

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EX3. Application of El Paso Electric Company to Implement an Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 37788. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to **GRANT THE AUTHORITY** to the City Attorney to file a Motion in Intervention on behalf of the City for the Application of El Paso Electric Company to Implement an Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 37788.

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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, Ortega, and O'Rourke
NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 5, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** to the Public Utility Regulation Board by Mayor John F. Cook:

Moises Rodriguez, Jr.	Mayor's nominee
Les Parker	District 1 nominee
William Stafford Thurmond	District 2 nominee
Blanca Enriquez	District 3 nominee
Joe Melendez	District 4 nominee
Tom Brown	District 5 nominee
Jimmy Janacek	District 6 nominee
Robert C. Schultz	District 7 nominee
Lisa Turner	District 8 nominee

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4. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **REJECT** all bids for Solicitation No. 2010-041 (Police Motorcycles Parts & Service) as recommended by Financial Services, Purchasing Division, and General Services, Fleet Division, because the sample pricing could not be verified against the price lists submitted by all of the bidders; therefore all bidders were non-responsive.

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5. FINANCIAL SERVICES

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-057 (Police Weapons – M-4 Carbine Style Rifles) to GT Distributors, Inc. for a total amount of \$772,646.

Department:	Police
Award to:	GT Distributors, Inc. Austin, TX
Items:	All
Option:	To purchase 100% of the original purchase at the same unit price if the option is exercised within 90 days from date of award.
Account No.:	21150010-503300-05441-G211019
Funding Source:	Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG)
Total Award:	\$772,646

This is a fixed-price, single (one-time) purchase type contract

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated to the lowest responsive, responsible bidder.

Police Chief Greg Allen and Assistant Police Chief Peter Pacillas presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Terry Freiburg, Purchasing Manager, commented.

The following members of the public commented:

- 1. Mr. Guillermo Glenn
- 2. Ms. Lisa Turner
- 3. Mr. Sal Gomez

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6A.

ORDINANCE 17263

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF PORTLAND AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Byrd commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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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6B.

ORDINANCE 17264

The City Clerk read an Ordinance entitled: **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 Ortega, Byrd, and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. VJ Smith, Clear Channel Outdoor, presented a PowerPoint presentation.

Mr. Tim Anderson, Clear Channel Outdoor, and Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

2ND AND FINAL MOTION

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

NAYS: None

ABSTAIN: Representative Robinson

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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7A.

ORDINANCE 17265

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

Mayor Cook and Representatives Lilly, Ortega, Quintana, Robinson, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Said Larbi-Cherif, Director of International Bridges
- 3. Mr. Ted Marquez, Engineering Division Manager
- 4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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

NAYS: Representatives Robinson, Quintana, and 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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7B.

ORDINANCE 17266

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

Representative O'Rourke commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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

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8.

ORDINANCE 17264

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

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

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Ms. Judy Ackerman, citizen, and Mr. John Sproul, University of Texas at El Paso Program Coordinator/Manager of Center for Environmental Resource Management, commented.

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

2ND AND FINAL MOTION

Motion duly made by Representative Byrd, 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, 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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9A. MAYOR AND COUNCIL – Legislative Review Committee Report

- 1. For notation: Formal report of the Fiscal Affairs Legislative Review Committee meeting held on December 10, 2009, as submitted by Representative Rachel Quintana; 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) Proposed revisions to the Competitive Sealed Proposal and Contractor Responsibility procedures.
 - B) Proposed Municipal Vehicle Storage Facility.
 - C) Four Day-Ten Hour Work Week Pilot Results

Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on the item.

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9B.

R E S O L U T I O N

WHEREAS, Customs and Border Protection has had no permanent leadership in the Commissioner position for over a year and the recent retirement of Acting Commissioner Jay Ahern has left the Agency without a Director;

WHEREAS, President Obama nominated Mr. Alan Bersin to lead the agency, but over three months have passed and a date for his confirmation hearing has yet to be set;

WHEREAS, it is of utmost importance permanent commissioner be in place to begin the necessary steps to outline the 2011 Fiscal Year budget;

WHEREAS, as the largest international metroplex in the world, the El Paso-Cuidad Juarez region recognizes the importance of good leadership at the Customs and Border Protection Agency to insure safe, secure and efficient movement of goods and people across our nation's borders; and

WHEREAS, the El Paso Committee on Border Relations has considered the matter and has recommended that the Mayor and City Council send a letter requesting that the confirmation process for the appointment of Alan Bersin as Commissioner of the Customs and Border Protection Agency be commenced as soon as possible.

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

That the Mayor be authorized to send a letter on behalf of the City of El Paso to Senator Max Baucus, Chairman of the Senate Finance Committee, requesting a hearing to begin the confirmation process for Alan Bersin as Customs and Border Patrol Commissioner.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Michael Breitinger, Executive Director of the El Paso Central Business Association, commented.

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

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10. DEVELOPMENT SERVICES

Discussion and action regarding the results of a multifamily housing study completed by Alvarez and Marsal as part of the grant funding received for the Multifamily Housing Forum II. The study looks specifically at regional costs to construct multifamily housing (land, construction, fees, taxes, etc.) and includes three separate models of construction costs and financing options. The study also reviewed available Federal programs that might be used to incentivize more construction.

Ms. Kim Alvarez, Alvarez and Marsal, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd and Robinson commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Ms. Lisa Turner, citizen, and Mr. Dan Olivas, Dan Olivas and Associates, commented.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

NO ACTION, other than the above procedural Motion, was taken on the item.

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11.

RESOLUTION

That the City Manager be authorized to sign an Amendment to the Agreement ("Agreement") by and between the City of El Paso ("City") and the El Paso Regional Economic Development Corporation ("REDCo") to accept and approve a new Exhibit A, 2010 Scope of Services, and new Exhibit B, 2010 Performance Metrics and to have REDCo continue to provide specific, measurable economic development services to the City. The original term of the Agreement expired on December 31, 2007 and automatically renews for three successive one-year terms, subject to REDCo's satisfaction of the Performance metrics and subject to the City's appropriation of funds for payment. For this third successive one-year term, the City shall pay to REDCo an amount not to exceed \$200,000.00 during the January 1, 2010 – August 31, 2010 portion of the City's Fiscal Year 2010 in exchange for the specific, measurable economic development services identified in the new Exhibits A and B, with the budget and performance metrics reduced pro rata based on a termination date of August 31, 2010.

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

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

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Economic Development, commented.

Ms. Lisa Turner, citizen, commented.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to **APPROVE** the Resolution, **AS REVISED, FOR A TERM MATCHING THE CITY'S FISCAL YEAR, ADJUSTED MONETARILY AND PRO-RATA FOR THE REMAINDER OF THE FISCAL YEAR AND TO COME BACK NEXT FISCAL YEAR FOR THE FULL AMOUNT AND MOVING TO A SPECIFIC PERFORMANCE-BASED CONTRACT.**

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12. MUNICIPAL CLERK

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **AUTHORIZE** the City Manager to come back in the next fiscal budget with a specific recommendation on relocation and to come back with a recommendation on utilizing existing technology to its greatest extent as part of the court's process, and also with the recommendation that she has to look at consolidating with the existing downtown court, so that we have a unified facility that is capable of meeting the needs of the community.

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

NAYS: Representative Robinson

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

Ms. Lisa Turner, citizen, commented.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:26 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk