

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 16, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alejandro Lozano, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:37 a.m. and Melina Castro at 9:05 a.m. during Executive Session deliberations. Absent: Presi Ortega, Jr. requested to be excused. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S RECOGNITION

Recognition of the individuals and organizations who displayed outstanding commitment to improving El Paso Neighborhoods through their involvement in Neighborhood Cleanups in the lower Dyer and/or Chamizal Revitalization Areas.

Representatives Lozano, O'Rourke, and Byrd commented.

Mr. William Lilly, Community Development, commented.

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. Ms. Lisa Turner
2. Mr. Lynn Fitzgerald

Representatives O'Rourke and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Assistant Fire Chief Manual Chavira commented.

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Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:37 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.

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

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 9:11 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Claim of Martinis Butler, Our File No. 06-C-164/Street. (551.071).

Mr. Martinis Butler commented.

Motion made by Representative Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Martinis Butler, our File No. 06-C-164/Street.

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

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EX2. Subrogation claim of Emilio Martinez. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY** to negotiate settlement agreement and sign all necessary documents to resolve the subrogation claim of Emilio Martinez.

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

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EX3. City of El Paso vs. Roque Rodriguez, Cause No. 96-4823. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to take any and all necessary action to **COLLECT** the judgment previously awarded to the City in a lawsuit styled City of El Paso vs. Roque Rodriguez, Cause No. 96-4823.

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

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro
ABSENT: Representative Presi Ortega, Jr.

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EX4. Jose F. Ramirez, et. al. vs. City of El Paso, Texas; Cause No. 2006-5702. (551.071).

NO ACTION WAS TAKEN on the item.

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EX5. Mark James Bittakis vs. City of El Paso, et al; Cause No. EP-05-CV-402-FM. (551.071).

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City Attorney’s Office be authorized **SETTLEMENT AUTHORITY** to negotiate settlement agreement and sign all necessary documents to resolve the lawsuit entitled in the case entitled Mark James Bittakis vs. The City of El Paso; Cause No. EP-05-CV-402-FM.

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

2ND AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City Attorney’s Office be authorized to **PROCEED WITH AN APPEAL** if in the opinion of the City Attorney, after consultation with the City Manager, an appeal would be in the best interest of the City of El Paso, in the case entitled Mark James Bittakis vs. The City of El Paso, Cause No. EP-05-CV-402-FM.

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

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CONSENT AGENDA

Motion made by Representative Lozano, 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, Castro, Holguin, Steve Ortega, and O’Rourke
NAYS: None
ABSENT: Representative Presi Ortega, Jr.

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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 January 9, 2007, and the Special City Council Meeting of January 8, 2007 (Agenda Review).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

*Motion made, seconded, and carried to **EXCUSE** Representative Presi Ortega, Jr. from the Regular Council Meeting of January 16, 2007.

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3A.

***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 sign an Employment Agreement between the City of El Paso and Lucille A. Ponticelli to employ Lucille A. Ponticelli as an Economic Development Manager for the Economic Development Department at a biweekly rate of \$3,226.65. The term of the contract shall be for the period of February 1, 2007, through January 31, 2008.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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3B.

***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 City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking along Palm Street, between East Yandell Drive and the Alley south thereof; and

WHEREAS, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso City Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

THAT the City Engineer is hereby authorized and directed to designate eighteen (18) offset angle parking spaces on Palm Street, between East Yandell Drive and the Alley south thereof. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

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3C.

***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 sign an Employment Agreement between the City of El Paso and Kevin Covington to employ Kevin Covington as a PC LAN Specialist III for the Information Technology Department at a biweekly rate of \$1,980.77. The term of the contract shall be for the period of January 22, 2007, through January 21, 2008.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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3D.

***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 sign an Employment Agreement between the City of El Paso and Ron Graham to employ Ron Graham as a Network Systems Manager for the Information Technology Department at a biweekly rate of \$2,687.30. The term of the contract shall be for the period of January 18, 2007, through January 17, 2008.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Geoffrey Wright to the Historic Landmark Commission by Representative Beto O'Rourke, District 8.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rita E. Baca Benton to the El Paso Mountain Committee by Representative Presi Ortega, Jr., District 5.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ruben Esparza to the Information Technology Advisory Board by Representative Susie Byrd, District 2.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** John P. Lane to the Construction Board of Appeals by Representative Jose Alexandro Lozano.

Representative Lozano commented.

Mr. Larry Nichols, Development Services, commented.

Mr. Richard Schecter, citizen, commented.

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6. APPLICATIONS FOR TAX REFUND

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

A. Stewart Title in the amount of \$6,721.60 overpayment of 2006 taxes.
(PID #E742-000-0010-0800).

B. Rene and Monica Orozco in the amount of \$2,678.79 overpayment of 2006 taxes. (PID #P915-999-0010-1200).

- C. Chase Home Finance in the amount of \$12,674.78 overpayment of 2005 taxes.
(PID #S332-999-0040-1000).
- D. Lone Star Title Company in the amount of \$3,228.94 overpayment of 2006 taxes.
(PID #S812-999-0370-1500).
- E. First American Title Ins. Co. in the amount of \$3,354.19 overpayment of 2006 taxes.
(PID #S912-999-001Q-3100).
- F. Joseph K. Augustin in the amount of \$2,911.50 overpayment of 2006 taxes.
(PID #P605-999-0070-1200)
- G. Graciela Portugal in the amount of \$3,653.29 overpayment of 2006 taxes.
(PID #H788-006-0350-0420)
- H. Gus Sr. & Flora Sambrano in the amount of \$3,740.98 overpayment of 2006 taxes.
(PID #M056-999-0330-4000)
- I. Efren & Christy Fernandez in the amount of \$2,953.72 overpayment of 2006 taxes.
(PID #E114-999-0010-2200)

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7. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services to exercise the City's option to extend the term of the agreement for a two-year period from March 1, 2007, to April 30, 2009, pursuant to the provisions of the contracts relating to Solicitation No. 2005-055-C1 with Bazaar Uniforms & Men's Store, El Paso, Texas, and 2005-055-C2 with Work Wear Safety Shoes, El Paso, Texas, for uniforms for the Street Department.

Bazaar Uniforms & Men's Store - \$91,090.00
 Work Wear Safety Shoes - \$8,485.00

Department: Street Department
 Option No.: One of One
 Total Award: \$99,575.00 (total for two-year extension)
 Account No: 32010159-503123-503120-01101
 Funding Source: Street General Operating Funds

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8A. – 8B. & ADDITION 1. INTRODUCTIONS

Motion made by Representative Holguin, seconded by Representative Steve Ortega, 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 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code to amend Zone G (No Parking Anytime on Sixth Avenue between Oregon Street and Mesa Street, South Side Only, and on Mesa Street between Sixth Avenue to a Point 150 Feet South, West Side Only).
- B. An Ordinance authorizing the City Manager to sign an agreement by and between the City of El Paso and the Chihuahuita Neighborhood Association for maintenance and other services to support the Chihuahuita Serenity Garden.

ADDITION 1.

An Ordinance amending Title 2 (Administration & Personnel) to create Chapter 2.42 (Library Advisory Board) of the El Paso City Code and establish a Library Advisory Board.

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8C. INTRODUCTION

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

C. An Ordinance granting Special Permit No. ZON06-00141 to allow for a parking reduction on the property described as Lots 14 - 20, Block 82, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, and Steve Ortega
NAYS: None
ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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9A.

ORDINANCE 16539

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 2, VISTA RIDGE UNIT 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

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 16540

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 9, LAFAYETTE PLACE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

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

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Lozano
ABSENT: Representative Presi Ortega, Jr.

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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9C.

ORDINANCE 16541

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 294, VISTA DEL SOL UNIT SIXTY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-4 (COMMERCIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

Ms. Susie Hicks, citizen, commented.

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Hicks to address the Council after the sign-up period.

2ND AND FINAL MOTION

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

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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9D.

ORDINANCE 16542

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 16A, 16B1, 16C, 17A, 22 AND SUSPENDED AREA, BLOCK 52, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

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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9E.

ORDINANCE 16543

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 2-5, BLOCK 2, FULLER ADDITION AND A PORTION OF TRACTS 4 AND 5, BLOCK 1, CHRISTY TRACT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3/SC (RESIDENTIAL/SPECIAL CONTRACT) TO R-5/SC (RESIDENTIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

Mr. Rick Conner, City Engineer, commented.

Mr. Ray Mancera, representing applicant, commented.

Mr. Angel Amaya, citizen, commented and presented a petition to the Mayor from residents of Mansfield Avenue requesting additional access to Mansfield Avenue.

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, 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, Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

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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9F.

ORDINANCE 16544

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 13, BONNIE ANNE PLACE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

Ms. Kelly Carpenter, Planning Director, 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, Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

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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10A.

ORDINANCE 16545

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

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, 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, Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

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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10B.

ORDINANCE 16546

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 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.**

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, 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, Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

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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10C.

ORDINANCE 16547

The City Clerk read an Ordinance entitled: **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.

Representatives Holguin and Castro commented.

Mr. Rick Conner, City Engineer, and Mr. Ted Marquez, Traffic Division, commented.

Motion duly made by Representative Lozano, 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, Castro, Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Presi Ortega, Jr.

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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ITEMS TAKEN TOGETHER:

10D. PUBLIC HEARING – ENGINEERING

A Public Hearing on the creation of the El Paso Public Improvement District No. 1 (Thunder Canyon).

13.

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 City of El Paso, Texas (the "City") is authorized under Chapter 372 of the Texas Local Government Code (the "Act") to create a public improvement district within its corporate limits; and

WHEREAS, on July 21, 2006, certain property owners in the City, representing more than 50 percent of the appraised value and the area of the Property (the "Petitioners"), submitted and filed with the City Clerk of the City a petition (the "Petition") requesting the establishment of a public improvement district to include the Property (hereinafter defined) owned by the Petitioners and to be known as the El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, the City Council of the City (the "City Council") has investigated and determined that the facts contained in the Petition are true and correct; and

WHEREAS, the District is proposed to include approximately 69.0246 acres owned by Petitioners, all of which is presently located within the corporate limits of the City of El Paso, Texas, comprised of a parcel of land being a portion of Tract 1E, H.G. Foster Survey No. 259, a portion of Mesa Hills Unit Four, a portion of Coronado Ridge Estates, a portion of Mesa Hills Unit Two and Celebration Point, City of El Paso, El Paso County, Texas (the "Property"). The Property is located between Stanton Street, Moondale Drive, and Sharondale Drive in El Paso, Texas. A metes and bounds description of the Property is attached as Exhibit "A" hereto; and

WHEREAS, the Property will be developed by the City by establishing a conservation easement for the property in the District commonly known as Thunder Canyon, at the request of the Petitioners; and

WHEREAS, after providing all notices required by the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and services; and

WHEREAS, the City Council adjourned and closed such public hearing,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after considering the Petition for the proposed District and the evidence and testimony presented at the public hearing on, January 16, 2007, hereby finds and declares:

(a) Advisability of the Services and Improvements Proposed for the District.

It is advisable to create the District to provide the services and improvements described in the Petition and the Resolution. The District Improvements (hereinafter defined) will promote the interests of the City and will confer a special benefit on the Property.

(b) Nature of the Services and Improvements.

The purposes of the District are to create and administer the District and to provide special supplemental services for the District by the establishment of a conservation easement for Thunder Canyon that is authorized by Chapter 372, Texas Local Government Code and that are necessary for full development of the Property, which improvements will include, but not be limited to the following: (1) the maintenance of Thunder Canyon in its natural state by the creation of a conservation easement (referred to as the "District Improvements").

(c) Estimated Cost of the Services and Improvements.

The Petitioners estimate that the total cost to design, acquire, and construct all of the District Improvements will not exceed Five Hundred Twenty-five Thousand and no/100 Dollars (\$525,000). The estimated total amount (excluding interest on the financing of the District Improvements) will not exceed Five Hundred Twenty-five Thousand and 00/100 Dollars (\$525,000.00). Bonds will be issued to pay for the District Improvements.

(d) Boundaries.

The land described in the Petition and in the recitals above will all be benefited by the proposed District Improvements and therefore the boundaries of the District shall be as described in Exhibit "A", attached hereto and made a part hereof for all purposes. The District will include approximately 69.0246 acres, all of which are presently located within the corporate jurisdiction of the City.

(e) Proposed Method of Assessment.

The proposed method of assessment shall be on the basis of the ad valorem taxable value of property benefiting from the real property within the District as determined by the City of El Paso according to its 2005 certified tax rolls. Any private or public parks or common areas or real property conveyed or dedicated to the City in connection with the District Improvements shall not be assessed.

At a public hearing in September of each year, the City Council will consider levying an assessment against real property in the District based on the taxable assessed value of the property on the basis of the assessed tax value according to the 2005 certified tax rolls.

Assessments will be collected through the same systems used to collect ad valorem property taxes. A five-year service plan, to be adopted by the City Council, will define the nature and projected cost of the improvements to be funded by the assessment. The proposed apportionment of cost will be totally borne by the Public Improvement District for those improvements identified in the five-year service plan.

(f) Apportionment of Cost Between District and Municipality as a Whole.

All costs of the District Improvements shall be borne entirely by the land within the boundaries of the District and no apportionment between the City and the District is necessary. No City-owned public easements, landscape easements or public rights-of-way will be liable for assessment.

(g) Dissolution of District.

The District shall be dissolved by the City upon the final debt payment on the financing.

(h) Findings.

The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are adopted and made part of this Resolution.

Section 2. That the District is hereby authorized and created as a Public Improvement District under the Act in accordance with the finding as to the advisability of the service and improvements contained in this Resolution and as to the conclusion that the services and improvements confer a special benefit upon the Property. The District shall be subject to all of the terms, conditions, limitations and reservations contained in the findings of Section 1 of this Resolution and this authorization does not authorize the Petitioners to take any action that would obligate the City in any way or cause the City to incur any risk or cost.

Section 3. That notice of the authorization for the establishment of the District shall be given by publishing notice of this Resolution once in the El Paso Times, the official newspaper of the City and a newspaper of general circulation in the City. This Resolution shall be effective upon the publication of such notice, and such authorization shall take effect and the District shall be established.

Section 4. City is hereby authorized to take all action necessary to prepare a preliminary assessment roll, publish any necessary notices and take all other action necessary to effectuate the purposes of this Resolution.

Section 5. That, in order to promote efficient management of the District, the City Council hereby determines that the District should be managed by the City.

Section 6. If any article, paragraph, clause or provision of this Resolution shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Resolution as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
3. Ms. Terri Cullen-Garney, Deputy City Attorney, gave legal advice.

Mr. Hector Zavaleta, Senior Vice President of First Southwest Company, commented.

The following members of the public commented:

1. Mr. William Towry
2. Mr. Charlie Wakeem
3. Ms. Nancy Vernon
4. Ms. Annie Liu
5. Mr. Marc Tarnosky
6. Ms. Maria Trunk
7. Ms. Lois Balin
8. Mr. Richard Schecter
9. Ms. Marivi Walker
10. Ms. Marcy Turner

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Marivi Walker to address the Council after the sign-up period.

2ND MOTION

Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Marcy Turner to address the Council after the sign-up period.

3RD MOTION

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **CLOSE THE PUBLIC HEARING**.

4TH MOTION

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **REVISE** the boundaries of the Public Improvement District (PID) to remove 5820 Coronado Ridge Drive, the Walker's property, from the PID.

5TH AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative Lozano, and carried to **APPROVE** the above Resolution as amended.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke

NAYS: Representative Holguin

ABSENT: Representative Presi Ortega, Jr.

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11.

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 Public Service Board (hereinafter "PSB") holds land in trust for the City of El Paso (hereinafter "City");

WHEREAS, the PSB and City intend to sell large tracts of land in Northeast and Northwest El Paso;

WHEREAS, the PSB has prepared and the City has adopted Master Plans for the orderly development of the tracts;

WHEREAS, the Master Plans provide for significant areas of open space in the form of arroyos, trails, buffer zones and other features;

WHEREAS, the City desires that the open space be preserved in perpetuity for the benefit and quality of life for the future residents of areas and all citizens; and

WHEREAS, conservation easements are an effective and low cost mechanism to achieve that objective.

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

That the City Council of the City of El Paso expresses its will to the Public Service Board that all open space designated in the Northeast and Northwest Master Plans be placed in conservation easements as soon as possible and prior to the sale of any land in either planning area.

Mayor Cook and Representatives Lilly, Castro, Byrd, and Steve Ortega commented.

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

The following members of the public commented:

- 1. Mr. Charles Wakeem
- 2. Ms. Lois Balin
- 3. Mr. Richard Schecter

Motion made by Representative Lilly, seconded by Representative Castro, and carried to **APPROVE** the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Castro and Steve Ortega

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Presi Ortega, Jr.

12. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **APPROVE** Council Ratification of the following contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

- 1. 165 B Mowad St., Hector and Sofia Juarez, \$89,000.00 Property Acquisition
- 2. 162 Mowad St., Alfonso Rubio, \$100,032.43 Property Acquisition, \$35,300.00 Bridge/Replacement Property

3. 169 B Mowad St., Ramon and Margarita Salas, \$39,570.00 Bridge/Replacement Property
4. 167 Mowad St., Abigail Hernandez, \$29,270.00 Bridge/Replacement Property
5. 199 B Mowad St., Ernesto Arredondo, \$39,770.00 Bridge/Replacement Property
6. 183 Mowad St., Maria T. Barraza, \$35,770.00 Bridge/Replacement Property
7. 170 Mowad St., Eddie and Aurora Gonzalez, \$35,770.00 Bridge/Replacement Property
8. 158 B Mowad St., Jesus Juarez Fuentes, \$1,270.00 Bridge/Replacement Property
9. 175 Mowad St., Isidro Cervantes, \$13,570.00 Bridge/Replacement Property
10. 165 A Mowad St., Marcos Hernandez, \$45,770.00 Bridge/Replacement Property
11. 171 Mowad St., Maria Maturino, \$32,670.00 Bridge/Replacement Property

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Presi Ortega, Jr.

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14. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item for discussion and action on a Resolution that the City continue to participate in the U. S. Communities Purchasing Alliance Program and that the City's Purchasing Manager be authorized to issue purchase orders to purchase against the Program's contracts. **POSTPONED FROM 01-09-07**

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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 Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. Larry Nichols, Development Services, commented.

NO ACTION WAS TAKEN on the item.

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ADD2. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks the item regarding discussion and action to terminate the Agreement with the El Paso Public Library Association dated August 3, 1999.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Carlos Armendariz, El Paso Public Library Association, commented.

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 Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 11:58 a.m.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lozano

ABSENT: Representative Presi Ortega, Jr.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk