

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 18, 2011
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:41 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:46 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 8:49 a.m., during Executive Session deliberations. Absent: Emma Acosta requested to be excused. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. NATIONAL MENTORING MONTH**
- 2. SPAIN AND THE UNITED STATES DAY**
- 3. COMMUNITY SCHOLARS RECOGNITION DAY**

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. Laura Barron
2. Mr. Danny Rivera
3. Mr. Ray Bannon
4. Mr. James Perry
5. Ms. Lisa Turner
6. Mr. Manny Hinojosa
7. Mr. Barney Field
8. Mr. Salvador Gomez
9. Ms. Peggy Browning
10. Mr. Raul Castaneda

- 11. Mr. Baron Martin
- 12. Dr. Theresa Ware-Ashbury

Mayor Cook and Representatives Ortega, and Holguin, commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Laura Gordon, Assistant City Attorney, gave legal advice.

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 Motion made by Representative Robinson, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:42 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 Quintana and Holguin
 ABSENT: Representative Acosta

Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:20 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and O'Rourke
 ABSENT: Representative Acosta

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CONSENT AGENDA

Motion made by Representative Robinson, 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, Robinson, Quintana, Holguin, and Ortega
 NAYS: None
 NOTE PRESENT FOR THE VOTE: Representative O'Rourke
 ABSENT: Representative Acosta

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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 11, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Emma Acosta from the Regular Council Meeting of January 18, 2011.

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3.

***RESOLUTION**

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

That the City Manager be authorized to sign an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to power the street lighting on Walter Jones Boulevard adjacent to the northwesterly side of the El Paso International Airport property known as the Butterfield Trail Aviation Park. Said property being more particularly described as a portion of Lot 1, Block 1, Butterfield Trail Aviation Park, El Paso, El Paso County, Texas.

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4 BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Kathleen Campbell Walker to the Committee on Border Relations by Mayor John F. Cook.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Elma Carreto to the City Plan Commission by Mayor John F. Cook.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Mark H. Barnett to the Committee on Border Relations by City Representative Susie Byrd, District 2.

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6. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Select Portfolio Services in the amount of \$3,881.33 overpayment of 2010 taxes. (PID #C815-999-0010-2300).
- B. Citimortgage in the amount of \$2,732.25 overpayment of 2010 taxes. (PID #C840-999-0300-1700).
- C. GECU Mortgage in the amount of \$2,519.35 overpayment of 2010 taxes. (PID #C942-999-0110-7900).
- D. Sierra Title Company in the amount of \$8,079.34 overpayment of 2009 taxes. (PID #F609-999-0210-1000).
- E. Texas Title Company in the amount of \$3,691.72 overpayment of 2010 taxes. (PID #H788-014-0090-0100).
- F. Bank of Texas in the amount of \$4,982.94 overpayment of 2010 taxes. (PID #L626-999-0040-0500).

- G. GECU Mortgage in the amount of \$3,491.44 overpayment of 2010 taxes. (PID #M638-999-0200-9170).
- H. GECU Mortgage in the amount of \$4,172.98 overpayment of 2010 taxes. (PID #M757-999-0040-5500).
- I. Members Trust Company in the amount of \$3,463.95 overpayment of 2010 taxes. (PID #P133-999-0140-6900).
- J. GECU Mortgage in the amount of \$3,886.55 overpayment of 2010 taxes. (PID #P586-999-0100-1100).
- K. Corelogic c/o Chase Home Finance in the amount of \$3,826.00 overpayment of 2009 taxes. (PID #P654-999-1220-1720).
- L. HSBC Mortgage c/o Corelogic in the amount of \$3,812.09 overpayment of 2010 taxes. (PID #P863-999-0150-6700).
- M. Branamic Trust Boeta Norma in the amount of \$3,470.09 overpayment of 2010 taxes. (PID #R265-999-0010-1600).
- N. Jorge A. and Maria L. Salas in the amount of \$6,803.06 overpayment of 2010 taxes. (PID #R460-999-0150-1150).
- O. Adrian Ruiz in the amount of \$7,513.76 overpayment of 2010 taxes. (PID #R460-999-0510-2000).
- P. 1st American Title in the amount of \$4,103.43 overpayment of 2010 taxes. (PID #S138-999-0320-0100).
- Q. GECU Mortgage in the amount of \$3,500.00 overpayment of 2010 taxes. (PID #S533-000-0190-06C0).
- R. LPS Property Tax Solutions c/o Select Portfolio Servicing in the amount of \$9,828.61 overpayment of 2010 taxes. (PID #S690-999-0010-8500).
- S. Texas Title Company in the amount of \$2,527.70 overpayment of 2010 taxes. (PID #T287-999-1460-0110).
- T. Ana B. & Timothy R. Paskadi in the amount of \$3,081.86 overpayment of 2010 taxes. (PID #T820-999-0100-0800).
- U. Corelogic in the amount of \$4,513.03 overpayment of 2010 taxes. (PID #U823-999-0010-0280).
- V. GECU Mortgage in the amount of \$3,047.89 overpayment of 2010 taxes. (PID #V893-999-1170-3300).
- W. GECU Mortgage in the amount of \$3,430.36 overpayment of 2010 taxes. (PID #V893-999-5810-3400).

- X. Alexander Thor in the amount of \$3,584.84 overpayment of 2010 taxes. (PID #V927-999-0130-5900).
- Y. Erika Flores in the amount of \$5,594.05 overpayment of 2010 taxes. (PID #W145-999-0830-5000).
- Z. Bac Tax Services Corporation, in the amount of \$5,197.84 overpayment of 2010 taxes. (PID #W145-999-0750-5700).

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7A. REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Bazaar Uniforms & Men’s Store, a contractor under ESC Region 19 Contract #10-6562 (Work Uniforms, Shoes and Related), for work uniforms. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Education Service Center Region 19 (Region 19), Cooperative Contracts Program was approved by Mayor and City Council on March 4, 2008.

Department:	Environmental Services
Award to:	Bazaar Uniforms & Men’s Store El Paso, TX
Total Estimated Award:	\$74,442 for 1,428 sets of uniforms
Funding Source:	Environmental Services – Uniforms & Apparel Supplies
Reference No.:	2011-133

This is a Cooperative, requirements type contract.

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7B. REQUESTS TO ISSUE PURCHASE ORDERS, 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 2008-054 (Stress Management for Firefighters) with Center for Employee Assistance for two additional years pursuant to the provisions of an award approved by the City Council on January 22, 2008. The extended contract period will be from February 1, 2011 to January 31, 2013.

Department:	Fire
Award to:	Center for Employee Assistance El Paso, TX
Option:	One [of One]
Annual Estimated Amount:	\$209,250
Total Estimated Amount:	\$418,500 (2 years)
Funding Source:	General Funds – Contracts

This is a Best Value, services contract.

Representative O’Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

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7C. REQUESTS TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AWARD AS REVISED**, a contract to Mirador Enterprises, Inc., a contractor under ESC Region 19 Contract #09-6417 (Framing, Drywall, Painting, and Related), to repair, prepare and paint the exterior of the Judge Marquez Library, the Clardy Fox Library, the Armijo Library and the West Side Branch Library. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Education Service Center Region 19 (Region 19) Cooperative Contracts Program was approved by Mayor and City Council on March 4, 2008.

Department: General Services
Award to: Mirador Enterprises, Inc.
El Paso, TX
Total Estimated Award: \$101,370
Funding Source: FY2009A CO's – CWIP
Reference No.: 2011-134

This is a Cooperative, unit price type contract.

Mayor Cook commented.

Mr. Bruce Collins, Purchasing Manager, commented.

Ms. Lisa Turner, citizen, commented.

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7D. REQUESTS TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Brown Interior Solutions, a contractor under TPASS Contract 6-71111060-7 (Special Use Furniture), for office furniture. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services
Award to: Brown Interior Solutions
El Paso, TX
Total Estimated Award: \$89,982.59
Funding Source: FY2009A CO's – CWIP
Reference No.: 2011-132

This is a Cooperative, requirements type contract.

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8A. – 8F. INTRODUCTIONS

Motion made by Representative Quintana, seconded by Representative Robinson, 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:

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

NAYS: None
ABSENT: Representative Acosta

- 8A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88 (Schedule XIV, Speed Limits) of the El Paso City Code by Designating a forty five mile per hour speed limit on Zaragoza Road from Joe Battle Boulevard to Sun Fire Boulevard and designating a fifty mile per hour speed limit on Zaragoza Road from Sun Fire Boulevard to mile post 3.399; The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8B. An Ordinance amending the El Paso City Code by amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), Subsection E (Types of Encroachments) to allow special privilege licenses for aerial or subsurface commercial buildings or structures over or under City right-of-way and Subsection F (Fees) establishing fees for such special privilege licenses; The penalty is as provided for in Section 15.08.125 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 25, 2011, FOR ITEMS 8A – 8B

- 8C. An Ordinance granting Special Permit No. ZON10-00088, to allow for infill development and a 100% parking reduction on the property described as Lot 10 and north 20 feet of Lot 9, Block 192, Alexander Subdivision, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 and 20.14.070 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.
- 8D. An Ordinance changing the zoning of the following real property known as: Parcel 1: A portion of Tract 1A, Nellie D. Mundy Survey 242 and Tract 1B5C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-3A (Residential); Parcel 2: A portion of Tracts 1A and 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-3A (Residential); Parcel 3: A portion of Tracts 1 and 1A1, Nellie D. Mundy Survey 242 and Tracts 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-3/c (Commercial/Condition) to R-3A (Residential); and Parcel 4: A portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242 and Tract 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-3/c (Commercial/Condition) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8E. An Ordinance releasing a condition placed on property by Ordinance No. 15672 which changed the zoning of the following real property known as: Parcel 1: Portion of Tracts 1 and 1A1, Nellie D. Mundy Survey 242 and Tracts 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, and Parcel 2: Portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242 and Tract 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8F. An Ordinance changing the zoning of Lot 2, Block 6, Castner Range Unit One, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2011, FOR ITEMS 8C – 8F

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9. CITY ATTORNEY

Motion made by Representative Byrd, seconded by Representative Ortega, on an Ordinance calling a Special Election in the City of El Paso for a Charter Election for the submission of a Charter Amendment to be held within the City on May 14, 2011; and making provisions for the conduct of the election.

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

THE MOTION FAILED.

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

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior Assistant City Attorney gave legal advice.

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. Jerry Thiedt
3. Mr. David Marcus
4. Mr. Ronald Webster
5. Ms. Mary Helen McMinn
6. Ms. Astrid Terrazas
7. Mr. Jesus B. Otxoa
8. Ms. Kirstin Perez
9. Mr. Tom Brown
10. Mr. Malcom McGregor
11. Mrs. Carol Cassady
12. Ms. Sonia Brown
13. Mr. Barney Field
14. Mr. Salvador Gomez
15. Ms. Vanessa Dueñas
16. Ms. Cindy Fogelman

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10.

ORDINANCE 17483

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING TO PAUL BERUBE A NON-EXCLUSIVE FRANCHISE FOR LITTER RECEPTACLES ON SIDEWALKS AND OTHER CITY PROPERTY.**

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

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Ted Marquez, Deputy Director of Department of Transportation

The following members of the public commented:

1. Mr. Matt Carroll

2. Mr. Paul Berube

Motion duly made by Representative Byrd, seconded by Representative Ortega 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, Robinson, Quintana, Holguin, and Ortega
NAYS: Representative O'Rourke
ABSENT: Representative Acosta

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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11.

ORDINANCE 17484

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND THE GEORGE L. HERMANN LIVING TRUST WHICH WILL ALLOW THE CITY TO CONVEY A PORTION OF BLOCK 302, PIERCE FINLEY ADDITION, TOGETHER WITH VACATED PORTIONS OF PIERCE STREET AND AN ALLEY ADJACENT TO THE IDENTIFIED PORTION OF BLOCK 302, PIERCE FINLEY ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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

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

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

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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12A.

ORDINANCE 17485

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE "PLAN EL PASO 2010: CONNECTING EL PASO: BUILDING TRANSIT-ORIENTED NEIGHBORHOODS AT REMCON CIRCLE, OREGON CORRIDOR, AND FIVE POINTS AND REDEVELOPING ASARCO" PLAN AS A STUDY AREA PLAN TO BE INCORPORATED INTO THE CITY'S COMPREHENSIVE PLAN, "THE PLAN FOR EL PASO," AND THAT THE 2025 GENERAL LAND USE MAP BE AMENDED TO INCORPORATE THE MODIFICATION.**

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

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Victor Dover, Dover, Kohl & Partners, presented a PowerPoint presentation (on file in the City Clerk's office).

The following members of the public Commented:

1. Mr. Roberto Puga, Trustee for Asarco Texas Trust
2. Mr. Jacob Riger, Dover, Kohl & Partners
3. Mr. Chuck Berry, TXDOT District Engineer
4. Ms. Lisa Turner, citizen

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, Robinson, Quintana, Holguin, Ortega and O'Rourke
 NAYS: None
 ABSENT: Representative Acosta

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

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12B.

ORDINANCE 17486

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A 0.132 ACRE OF LAND BEING A DEDICATED PORTION OF CAUFIELD PLACE RIGHT-OF-WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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

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

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

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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ITEMS 13A. AND 13B.WERE TAKEN TOGETHER

ORDINANCE 17487

The City Clerk read an Ordinance entitled: **AN ORDINANCE REVISING THE PROCESS OF OBTAINING A PERMIT TO CUT OR EXCAVATE IN THE CITY RIGHT-OF-WAY AND DRILL MONITORING WELLS BY AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.08 (EXCAVATIONS) REQUIRING PERMITS TO MAKE A CUT OR EXCAVATION IN THE CITY RIGHT-OF-WAY AND TO DRILL MONITORING WELLS; REQUIRING INSURANCE AND BONDS; PROVIDING THE AUTHORITY TO ISSUE CITATIONS; AND PROVIDING FOR PERMIT AND INSPECTION FEES AND SPECIFICATIONS AND CHAPTER 13.04 (STREET AND SIDEWALKS CONSTRUCTION AND MAINTENANCE), SECTION 13.04.010 (PERMIT REQUIRED) OF THE EL PASO CITY CODE CONCERNING SIDEWALK CONSTRUCTION PERMITS; AND AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (PUBLIC SERVICES), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS) OF THE EL PASO CITY CODE TO EXCLUDE MONITORING WELL PERMITS FROM SPECIAL PRIVILEGE PERMITS; THE PENALTY BEING AS PROVIDED IN SECTION 13.08.140 (VIOLATION-PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Ortega, seconded by Representative Quintana, that the Ordinance be **ADOPTED, AS REVISED**. Where upon 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, Robinson, Quintana, Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin
ABSENT: Representative Acosta

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**.

13B.

ORDINANCE 17488

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.30 (CONSTRUCTION AND BOARD OF APPEALS), SECTION 2.30.010 (PURPOSE), SECTION 2.30.060 (POWERS) AND SECTION 2.30.070 (APPEALS) OF THE EL PASO CITY CODE BY ADDING APPEALS FROM THE CITY ENGINEER IN CONNECTION WITH PERMITS ISSUED UNDER CHAPTER 18.44 (GRADING), CHAPTER 13.08 (EXCAVATION) AND SECTION 13.04.010 (SIDEWALK AND CURB PERMIT REQUIRED); SPECIFYING APPEAL PROCEDURES AND REPEALING SECTION 2.30.090; THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

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

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

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

Mayor Cook and Representatives Lilly and Robinson, commented.

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ITEMS 14. AND 15. WERE TAKEN TOGETHER

14.

ORDINANCE 17489

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE BY ADDING A NEW CHAPTER 12.30 (TEMPORARY TRAFFIC CONTROL) REQUIRING A TEMPORARY TRAFFIC CONTROL PERMIT FOR WORK PERFORMED IN THE PUBLIC-RIGHT-OF-WAY AND OTHER USES OF THE RIGHT-OF-WAY; ESTABLISHING CRITERIA OF THE ISSUANCE OF THE PERMIT, BOND AND INSURANCE REQUIREMENTS AND DUTIES AND OBLIGATIONS OF THE PERMITTEES; ESTABLISHING FEES AND PROVIDING FOR STOP WORK ORDERS AND ENFORCEMENT AUTHORITY; THE PENALTY BEING AS PROVIDED IN SECTION 12.30.115 OF THE EL PASO CITY CODE.**

Mr. Keith Bennett, Traffic Control Planner, commented.

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

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

15.

R E S O L U T I O N

RESOLUTION AMENDING SCHEDULE C OF THE CITY OF EL PASO FY 2011 BUDGET RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY2011 on August 24, 2010; and

WHEREAS, paragraph 44 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the Council desires to establish the amounts of the fees related to temporary traffic control permits, traffic control plan review, renewals of permits, noncompliance correction, lane/sidewalk rental and placement of traffic control devices by the city.

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

That Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended as set forth in Attachment A, to establish the amounts of the fees listed therein that shall be charged by the City for temporary traffic control permits, permit renewals, traffic control plan review, noncompliance correction, traffic control and placement of traffic control devices by the city.

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **APPROVE AS REVISED** a Resolution amending Schedule C of the City of El Paso FY2011 Budget Resolution to establish the amounts for fees charged by the City for temporary traffic control permits, renewals, traffic control plan review, noncompliance correction, traffic control and placement of traffic control devices by the City.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Acosta

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16.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants Inc., a Texas Corporation, for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and CEA Engineering Group Inc. dba CEA Group, a Texas Corporation, for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Professional Services by and between the City Of El Paso and CSA Design Group, Inc., a Texas Corporation, for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Mijares Mora Architects, Inc., a Texas Corporation, for a project known as "Architectural Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and GA Architecture, Inc., a Texas Corporation, for a project known as "Architectural Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000.00 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and ASA Architects, a New Mexico Corporation, for a project known as "Architectural Consulting Services" for an amount not to exceed \$400,000. and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Huitt-Zollars, Inc., a Texas Corporation, for a project known as "Traffic Engineering Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed two hundred \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Martinez Engineering Group, a sole proprietorship, for a project known as "Traffic Engineering Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Walter P. Moore and Associates, Inc., a Texas Corporation, for a project known as "Traffic Engineering Consulting Services" for an amount not to exceed \$200,000. and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Sites Southwest LLC, a Texas Corporation, for a project known as "Landscape Architectural Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, for a project known as "Electrical Engineering Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and ADALTA Engineering Group, LLC, a Texas Corporation, for a project known as "Mechanical Engineering Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

RESOLUTION

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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and SLI Engineering, Inc., a Texas Corporation, for a project known as "Surveying Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed Dollars \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that

the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Conde, Inc., a Texas Corporation, for a project known as "Surveying Consulting Services" for an amount not to exceed \$200,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$250,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$250,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$500,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Professional Service Industries, Inc., a Texas Corporation, for a project known as "Geotechnical and Materials Testing Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Sunbelt Laboratories, Inc., a Texas Corporation, for a project known as "Geotechnical and Materials Testing Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and AMEC Earth & Environmental, Inc., a Texas Corporation, for a project known as "Geotechnical and Materials Testing Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and ECM International, Inc., a Texas Corporation, for a project known as "Construction Management Services" for an amount not to exceed \$500,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$550,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$550,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$1,100,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, for a project known as "Construction Management Services" for an amount not to exceed \$500,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$550,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$550,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$1,100,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Sun City Analytical Inc., a Texas Corporation, for a project known as "Environmental Engineering Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total

amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and AMEC Earth & Environmental, Inc., a Texas Corporation, for a project known as "Environmental Engineering Consulting Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, for a project known as "Municipal Solid Waste Engineering Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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 the Agreement for Engineering Services by and between the City of El Paso and R.W. Beck, a Washington Corporation, for a project known as "Municipal Solid Waste Engineering Services" for an amount not to exceed \$400,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$450,000.

The City Manager is further authorized to exercise the second year option for the same type of services described in the agreement and at the same limit on the amount of compensation, provided that the total amount of compensation shall not exceed \$450,000 in each year of the agreement. If the second year option is exercised, the total contract amount shall not exceed \$900,000.

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

Mayor Cook and Representative Quintana commented.

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolutions.

ABSENT: Representative Acosta

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17.

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 a lease between the County of El Paso, Texas and the City of El Paso for office and laboratory use by City’s Department of Public Health at 4505 Alberta, El Paso, Texas, for an initial term from October 1, 2010 to September 30, 2011, with the City’s option of two (2) consecutive one (1) year extensions, for a monthly rent of \$9,000.

Mayor Cook and Representatives Holguin and Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Liza Ramirez-Tobias, Financial Services Capital Assets Manager, commented.

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **APPROVE** the Resolution authorizing the City Manager to sign a lease between the County of El Paso, Texas and the City of El Paso for office and laboratory use by City’s Department of Public Health at 4505 Alberta, El Paso, Texas for an initial term from October 1, 2010 to September 30, 2011 with the City’s option of two consecutive one year extensions, for a monthly rent of \$9,000.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Ortega and O’Rourke

NAYS: Representative Holguin

ABSENT: Representative Acosta

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18A. MAYOR AND COUNCIL - LEGISLATIVE REVIEW COMMITTEE REPORT

1. For notation only: Formal report of the Joint Economic Development, Planning and Tourism and Transportation Legislative Review Committee meeting held on December 16, 2010 at 9:30 a.m. as submitted by City Representative Ann Lilly, Chair.
2. Discussion pertaining to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action to enter a Project Development Agreement between City of El Paso, Ciudad Juarez, REDCo and Freight Shuttle Partners, LLC to continue Universal Freight Shuttle development effort.
 - b. Discussion and action to enter an Interlocal Agreement between the City of El Paso and the Downtown Management District to establish a contractual relationship and duties related to downtown redevelopment efforts.
 - c. Discussion and action on park fee requirements for replats and amending plats in developed areas, including possible exemptions in designated areas.

- d. Discussion and action to approve an Ordinance amending Title 19 (Subdivisions), Article 1 (Subdivision Procedures), Chapter 19.01 (Provisions Applicable to All Platting Procedures), Chapter 19.05 (Reserved), and Chapter 19.20 (Parks and Open Space) of the El Paso City Code, to include provisions for requiring protective covenants for non-residential subdivisions.
- e. Discussion, guidance, and action on the consolidation and pricing of loading zones, parking spaces and parking meters.
- f. Discussion and action on guidelines for the installation of control boxes for traffic lights in the public right of way, including the recent installation on the southwest corner of Copia and Fort Boulevard.

Ms. Kathy Dodson, Director of Planning and Economic Development, commented.

NO ACTION was taken on this item.

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18B. MAYOR AND COUNCIL

Discussion and action to direct the City Manager to City initiate an alley vacation at Lot 12, 13, and the south 1/2 of Lot 14, Block 1, Map of Orchard Park, an addition to the City of El Paso, El Paso County. **(District 8)** [Representative Beto O'Rourke, (915) 541-4123]

Mayor Cook and Representative O'Rourke 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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18C.

R E S O L U T I O N

**AMENDMENT TO THE RULES OF ORDER
SECTION 13—JANUARY 18, 2011**

SECTION 13. CALLING AND ORDER OF AGENDA ITEMS

Executive Session will be scheduled as the first item for discussion and action. When the City Council retires into Executive Session to consider items posted for such a session, the City Attorney shall designate which of such items shall be considered during the time period from 8:30 a.m. to 9:00 a.m., and any remaining items posted for the Executive Session shall be considered at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Ceremonial items, including proclamations, will be presented next at the direction of the presiding officer, not to exceed thirty (30) minutes. The public comment (call to the public) portion of the agenda will follow, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by Financial Services and/or Engineering Services, and any reports or updates from the City's Committees, Boards

and Commissions. The public comment (call to the public) portion of the agenda will be heard upon the completion of the regular agenda business, not to exceed thirty (30) minutes.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

Mayor Cook and Representatives Byrd, Quintana and Holguin, commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior Assistant City Attorney gave legal advice.

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **KEEP AS IS**, Section 13, Calling and Order of Agenda Items, of the City Council Rules of Order, regarding the agenda placement of the call to the public.

AYES: Representative Lilly, Byrd, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYES: None
ABSENT: Representative Acosta

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19.

RESOLUTION

WHEREAS, the City of El Paso wishes to participate in the submission of an application for designation of a cultural district for at least ten (10) years to be named: El Paso Downtown Cultural District, and a cultural district has been identified to assist the City and community to develop a public-private partnership to support said district; and

WHEREAS, the Texas Commission on the Arts will be petitioned to designate said cultural district; and,

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

1. Endorses the submission of this application to the Texas Commission on the Arts and agrees to participate in the development and financial support of a cultural district to be named El Paso Downtown Cultural District under Tex. Govt. Code Section 444.031.
2. Endorses the goal of economic development of said cultural district within the context of preservation and rehabilitation of our historic buildings.
3. Endorses the goal of tourism development of said cultural district within the context of contributing to the overall visitor development goals of the city and county.
4. Will appoint a liaison who will represent the City on the governing board of said cultural district if requested.
5. By this action, directs staff to actively support and cooperate with governing board to develop and maintain said cultural district.

6. By this action, requests all members of the organization to actively support, promote and help maintain collaborative activities and events in said district.

7. Directs the Mayor to sign and submit such resolution on creation of said cultural district.

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

Representative Quintana commented.

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **APPROVE** a Resolution of Support for Museums and Cultural Affairs Department (MCAD's) pursuit of official Texas Legislative cultural district designation for downtown's cultural corridor through a competitive process.

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

NAYS: None

ABSENT Representative Acosta

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20. PLANNING AND ECONOMIC DEVELOPMENT

1ST MOTION

Motion made by Representative Holguin, seconded by Representative O'Rourke, and carried to **DENY** a Resolution authorizing the City Manager to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and RUSA Texas, LLC (the "Applicant") in relation to the Applicant's retention of full-time and part-time jobs at the facility located at 500 S. Mesa Hill, El Paso Texas.

AYES: Representatives Quintana, Holguin, Ortega, and O'Rourke

NAYS Representatives Lilly, Byrd, and Robinson

ABSENT: Representative Acosta

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Lilly, to **RECONSIDER** the item.

AYES: Representatives Lilly and Robinson

NAYES: Representatives Byrd, Quintana, Holguin, Ortega, and O'Rourke

ABSENT: Representative Acosta

THE MOTION FAILED.

Representatives Lilly, Byrd, O'Rourke, and Robinson commented.

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

Ms. Leslie Wagner, Ginovus, commented.

Ms. Lisa Turner, citizen, commented.

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ADDITION TO THE AGENDA

EX1. Six Kingdoms Enterprises, LLC, d/b/a Petland El Paso vs. The City of El Paso; Cause No. EP-10-CV-0485-KC (551.071)

NO ACTION was taken on this item.

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EX2. Discussion and action regarding the lawsuit entitled Ronald G. Martin, Jr., et.al. vs. The City of El Paso, Texas; Cause No. 2010-4936 (551.071)

The following members of the public commented:

- 1. Ms. Sonia Brown
- 2. Mr. Barney Field
- 3. Ms. Lisa Turner

NO ACTION was taken on this item.

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EX3. Motion for Rehearing of Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988. (551.071)

Motion made by Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to grant the authority to the City Attorney to **REJECT** the settlement proposal on behalf of the City of El Paso regarding the Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Rate Review of Rate Setting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988.

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

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:35 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk