

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, 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 20, 2009
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order 9:02 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 9:04 a.m. and Ann Morgan Lilly at 9:05 a.m. The invocation was given by Salvation Army Major Ron Wildman, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

EL PASO, TEXAS
AMERICA'S MOST PATRIOTIC CITY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Mr. Israel Rivera
3. Mr. Mark Benitez

Mayor Cook commented.

Mr. Victor Torres, Director of Development Services, commented.

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CONSENT AGENDA

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

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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 13, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3.

R E S O L U T I O N

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the Public Art Master Plan dated March 1, 2005, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of City Ordinance No. 16324 adopted on April 4, 2006, the City of El Paso provided for art in municipal places and established a means of funding acquisition or commissioning of art for municipal places; and

WHEREAS, the 2009 Public Art Plan (the "Plan") attached hereto as Exhibit "A" has been approved by the Public Art Committee ("PAC") and the Cultural Affairs Advisory Board ("CAAB"), and is being recommended to Council; and

WHEREAS, the City Council may accept or reject any portion of the annual public art plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and CAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

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

1. That the 2009 Public Art Plan for the City of El Paso, Texas ("the Plan"), attached hereto, be and is hereby officially adopted.
2. That the Plan includes new projects to be initiated in the 2009 fiscal year, and describes the planned location, proposed budget, timetable and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2003 and 2006 certificates of obligation.

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

Mayor Cook and Representative Quintana commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA.**

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

4 BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Marianne Campbell to the Animal Welfare Advisory Committee by Representative Rachel Quintana.

5. APPLICATIONS FOR TAX REFUND

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

- A. Franklin Mountain Investments, LP in the amount of \$3,343.84 overpayment of 2008 taxes. (PID #B360-999-0010-0100).
- B. Franklin Mountain Investments, LP in the amount of \$2,103.59 overpayment of 2008 taxes. (PID #B360-999-0010-0100).
- C. Franklin Mountain Investments, LP in the amount of \$3,711.28 overpayment of 2008 taxes. (PID #B360-999-0010-0200).
- D. Franklin Mountain Investments, LP in the amount of \$2,334.79 overpayment of 2008 taxes. (PID #B360-999-0010-0200).
- E. Franklin Mountain Investments, LP in the amount of \$5,481.17 overpayment of 2008 taxes. (PID #B360-999-0010-0400).
- F. Franklin Mountain Investments, LP in the amount of \$3,373.73 overpayment of 2008 taxes. (PID #B360-999-0010-0400).
- G. Chase Home Finance, LLC in the amount of \$5,496.13 overpayment of 2007 taxes. (PID #C168-999-0010-2700).
- H. Darrell Stromenger in the amount of \$4,978.53 overpayment of 2005 taxes. (PID #C518-999-0790-4100).
- I. Chase Home Finance, LLC in the amount of \$2,782.62 overpayment of 2007 taxes. (PID #M090-999-0010-0200).
- J. Stewart Title of El Paso in the amount of \$11,905.73 overpayment of 2008 taxes. (PID #M798-999-0010-0400).
- K. United Commerce Defined Benefit in the amount of \$3,857.07 overpayment of 2008 taxes. (PID #S380-999-0020-3000).
- L. Franklin Mountain Investments, LP in the amount of \$12,854.78 overpayment of 2008 taxes. (PID #U819-999-0040-1461).

- M. Franklin Mountain Investments, LP in the amount of \$2,898.61 overpayment of 2008 taxes. (PID #U819-999-0040-1488).
- N. Franklin Mountain Investments, LP in the amount of \$2,898.61 overpayment of 2008 taxes. (PID U819-999-0040-1491).
- O. Chase Home Finance in the amount of \$3,226.35 overpayment of 2007 taxes. (PID #W145-999-0810-2300).

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6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend current contract 2006-071 (Elevator and Escalator Maintenance - Airport) with ThyssenKrupp Elevator for twenty-four additional months, pursuant to the provisions to the award approved by City Council on January 31, 2006. Contract period is February 5, 2009, to February 4, 2011

Department: Aviation
 Account No.: 62620003 – 503121 – 40101
 Funding Source: Airport Funds
 Total Estimated Award: \$119,551.20 (2-year total)

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7. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-034R (Fine Arts Museum Insurance) to Huntington T. Block Insurance Agency, Inc. for a total estimated 3-year award of \$81,000 for insurance coverage of \$60,000,000 with a deductible of \$50,000 per occurrence.

Department: OMB/Insurance & Benefits and Museum of Art
 Award to: Huntington T. Block Insurance Agency, Inc.
 Houston, TX
 Items: All
 Option: Two 1-year periods
 Annual Estimated Amount: \$27,000
 Account No.: 54010249 – 504409 – 01101
 Funding Source: Museum of Art – Property Insurance Expense
 Total Estimated Award: \$81,000 (3-year total)

This is a three-year contract.

The Departments of Financial Services, Purchasing Division, and Office of Management and Budget/Insurance and Benefits recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

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8A. – 8B. INTRODUCTIONS

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and 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, Acosta, Castro, Quintana, Holguin, and Ortega
NAYS: None
ABSTAIN: Representative O'Rourke

- 8A. An Ordinance vacating a portion of Ange Street located between Block 1 Franklin Heights Addition and Block 214 Campbell Addition, City of El Paso, El Paso County, Texas.
- 8B. An Ordinance vacating a portion of a 20-foot wide alley between Lots 11 - 14 and 7 - 10, Block 214 Campbell Addition and a portion of an 18-foot wide alley between Lots 1 - 3 and 17 - 19, Block 1 Franklin Heights Addition, City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON JANUARY 27, 2009, FOR ITEMS 8A – 8B

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8C. – 8H. INTRODUCTIONS

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

- 8C. An Ordinance authorizing the City of El Paso to sell approximately 4.74 acres of land being a portion of Tracts 18B and 19B, Block 54, Ysleta Grant Surveys, El Paso, El Paso County, Texas, to Instituto de Fomento Familiar Inc., d/b/a Centro Familiar Vino Nuevo de El Paso.
- 8D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.060 (Parking Time Limited on Certain Streets), of the El Paso City Code by changing 12.88.060.A, Number 54, Texas Avenue, to remove limits on the parking time on the south side of the avenue. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow-Away Zone) of the El Paso City Code by adding Fourth Avenue between El Paso Street and Santa Fe Street, north side only; and Father Rahm Avenue between El Paso Street and the first alley to the west of El Paso Street, south side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Parking Prohibited During Certain Hours on Certain Streets), Subsection H (No Parking 7:00 a.m. to 5:00 p.m.), of the El Paso City Code by adding Ascarate from Alameda Avenue to a point 400 feet south of Alameda, east side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8G. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at All Times on Certain Streets), of the El Paso City Code by deleting: 62, Oregon Street from Rim Road to College Avenue, both sides; 230, Oregon Street from Cincinnati Avenue to Baltimore Drive, east side; 327, the east side of Oregon Street, from Schuster Avenue to Rim Road; and 426, Oregon Street from University Avenue to a point 380 feet northwest, west side only; and amending Section 12.88.180 (No Stopping or Standing - Tow-Away Zone), of the El Paso City Code by adding Oregon Street between Schuster Avenue to Glory Road, both sides. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 27, 2009, FOR ITEMS 8C – 8G

8H. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Article II (Definitions), 20.02.304, of the El Paso City Code to amend the definition for “Domestic Storage”. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 10, 2009, FOR ITEM 8H

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **RECESS** the City Council Meeting at 9:32 a.m.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **RECONVENE** the City Council Meeting at 2:04 p.m.

NOT PRESENT FOR THE VOTE: Representatives Byrd, Acosta, and Quintana

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Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period for the remainder of the City Council Agenda items.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Ortega

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9. PUBLIC HEARING – DEVELOPMENT SERVICES

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 10, REPLAT OF CROWN POINT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 100 CROWN POINT.**

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

Mayor Cook and Representatives O’Rourke, Castro, Byrd, Ortega, Quintana, Acosta, and Holguin commented.

Ms. Kimberly Forsyth, Senior Planner for Engineering, commented and Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Bradley Roe, representing the applicant
2. Mr. Jaime Portillo, applicant
3. Mr. Jack Millis
4. Mr. Steven Sample
5. Mr. Herbert Ehrlich
6. Ms. Marilyn Millis
7. Ms. Judy Bargman
8. Ms. Elva Alvarez
9. Mr. David Marcus

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

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

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

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10.

ORDINANCE 17055

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF EL PASO AND TEENS IN ACTION FOR THE FACILITY COMMONLY KNOWN AS THE YSLETA PARK RECREATION BUILDING LOCATED AT 9068 SOCORRO ROAD, EL PASO, TEXAS.**

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

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

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

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11A. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried to **DISSOLVE** the Ethics Ordinance Review Ad Hoc Committee established on an ad hoc advisory basis to make revisions to the City's Ethics Ordinance, as recommended by the City's Ethics Committee.

Representative Byrd commented.

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11B. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **AUTHORIZE** the City Manager to sign a Professional Services Agreement between the City of El Paso, Housing Finance Corporation (HFC), and Center for Neighborhood Technology (CNT) in the amount of \$5,000 to provide the City and HFC with analysis services and data on housing and transportation affordability in the El Paso, Texas, metropolitan area, including the terms that HFC reimburse to the City \$1,667 of the contract cost and the City grant a non-exclusive perpetual license to use the subject data for completing the scope of work and thereafter CNT use of the work product.

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

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

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12.

RESOLUTION

WHEREAS, as a part of the process of adopting an impact fee under the Texas Local Government Code, Chapter 395 (Impact Fee Statute), the City Council must hold a public hearing to consider the adoption of land use assumptions and capital improvements plan; and,

WHEREAS, the Impact Fee Statute requires the City Council to appoint a Capital Improvements Advisory Committee prior to holding the public hearing and such Committee was appointed on October 28, 2008; and,

WHEREAS, the City of El Paso has completed the process required for the preparation of the Land Use Assumption Report, Capital Improvements Plan, and Impact Fee pursuant to the requirements of Local Government Code, Chapter 395; and

WHEREAS, prior to holding the public hearing, the land use assumptions and capital improvements plan will be made available to the public as required under the Impact Fee Statute; and,

WHEREAS, the City of El Paso after complying with the above statutory requirements, now desires to hold a public hearing to consider the land use assumptions and capital improvements plan;

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

That the findings and recitations set out in the preambles to this Resolution are found to be true and correct, and they are hereby adopted by the City Council of the City of El Paso and made a part of this Resolution for all purposes.

That the City Council hereby calls a public hearing to be held on the 24th day of February, 2009 at 9:00 a.m. in the City Council Chambers on the second floor of City Hall, #2 Civic Center Plaza, El Paso, El Paso County, Texas to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed;

That the City will provide notice of the hearing and the published notice of said hearing shall be in accordance with Section 395.044 of the Texas Local Government Code and the published notice of said hearing shall be in substantially the form of the "Notice of Public Hearing" attached to this Resolution.

That any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Mayor Cook and Representatives Quintana and Acosta commented.

Mr. Dan Olivas, citizen, commented.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPROVE** the Resolution.

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

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13A. PARKS AND RECREATION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on discussion and action on a Resolution setting a public hearing date of February 24, 2009, at 9:00 a.m. to consider land use assumptions and capital improvements plan under which an impact fee may be imposed.

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13B. PARKS AND RECREATION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **DIRECT** the issue of a policy for restrooms in outdoor park areas to the Quality of Life Bond Advisory Committee when it is formed in 2009.

Mr. Joel McKnight, Assistant Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Quintana, Ortega, Acosta, Byrd, Castro, and Holguin commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

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14. CITY MANAGER

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the City Manager to sign the First Amendment to the Sponsorship Agreement between the City of El Paso and Overtime Sports Southwest, LLC for the city's participation in the Sporting Events Trust Fund administration by the Texas State Comptroller's Office with regard to the Texas vs. Nation Game in 2009.

Mayor Cook and Representatives Ortega and Quintana commented.

Mr. David Almonte, Director of Office of Budget and Management, commented.

Mr. Kenny Hansmire, Chairman and Chief Executive Office of Overtime Sports Southwest, LLC, commented.

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **APPROVE** the notation of, pursuant to Section 2.92.110 of the City Code, receipt of campaign contribution by Representative Susie Byrd on October 10, 2008, in the amount of \$500 from J.A. Cardwell; on November 11, 2008, in the amount of \$500 from Ann Lilly Campaign; and on November 14, 2008, in the amount of \$500 from Stanley Jobe.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:46 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk