

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 23, 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 Alexandro Lozano, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:45 a.m. during Executive Session deliberations and Presi Ortega, Jr. at 9:25 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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 member of the public commented:

Mr. Steven Anderson, Institute for Justice's Castle Coalition

Motion made by Representative O'Rourke, seconded by Representative Lozano, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:36 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: Representatives Castro and Presi Ortega, Jr.

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:06 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lozano, Castro, and Presi Ortega, Jr.

.....
EX1. The City of El Paso vs. Joseph Abraham, Jr.; Cause No. 2006-2481. (551.071).

NO ACTION WAS TAKEN on the item.

.....
EX2. USBC Contract. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City of El Paso **AUTHORIZES** the City Attorney to take any and all action necessary, both affirmative and defensive, as necessary, in defense of the City's contract with United States Bowling Congress. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial proceeding or process. This authorization also authorizes the City Attorney to retain outside counsel in connection with this matter.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: Representative Castro

.....
CONSENT AGENDA

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

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of January 16, 2007.

.....
2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.

.....
3A.

***RESOLUTION**

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Quantum Engineering Consultants, Inc., to perform professional services for a project known as "Borderland Area Street and Drainage Improvements – Phase IV & V" in an amount not to exceed one hundred forty-one thousand three hundred forty-three and 87/100 dollars (\$141,343.87).

.....
3B.

***RESOLUTION**

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Dorado Engineering, Inc., to perform professional services for a project known as "Sixth Avenue Street And Drainage Improvements – Phase II" in an amount not to exceed sixty-five thousand nine and 00/100 dollars (\$65,009.00).

Representatives O'Rourke, Lozano, Steve Ortega, and Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, and Ms. Irene Ramirez, Engineering Department, commented.

.....
3C.

***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 El Paso City Council has approved Ordinance No. 16015, which allows the City Manager to negotiate and enter into contracts, agreements for the rental of or which grant the use of City facilities for special events, when doing so is an appropriate use of the particular City facility and done in accordance with any ordinance guidelines or policies that may have been adopted or established by the City Council, and

WHEREAS, the City receives requests from various entities for permission to enter onto City properties and City controlled public rights-of-way to collect certain geotechnical and hydrological information and perform the same services, which may include visual inspections, test borings and other exploratory work as may be necessary to complete the investigation being made of said site, and

NOW THEREFORE, be resolved by the City Council of the City of El Paso,

That the City Manager is hereby authorized to sign Temporary Rights of Entry, approved as to form by the City Attorney, allowing access to the property owned by the City of El Paso in order to conduct surveys on said property, subject to the requirements and limitations of said Temporary Rights of Entry.

Representatives Castro and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Terri Cullen-Garney, Deputy City Attorney, gave legal advice.
- 4. Mr. Gonzalo Cedillo, Financial Services

.....
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 a Memorandum of Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the Ysleta Independent School District (YISD), by which the YISD will provide videotape services at a cost of \$1,000.00 per meeting for the

Transportation Policy Board meetings. The term of the agreement is for one (1) year with options to extend for four (4) additional terms of one (1) year each.

.....
3E.

R E S O L U T I O N

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

WHEREAS, Texas statute allows for revenue to be used to promote tourism and the convention and hotel industry for various public purposes, including the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama and other arts related to the presentation, performance, execution, and exhibition of these major arts forms; and

WHEREAS, the available funding in this case would not come from municipal hotel occupancy taxes, but rather from the general fund;

WHEREAS, the El Paso Opera Company is the sole local entity offering that particular art form to the community and seeks funding to maintain itself as a viable opera entity capable of continuing to provide the above-listed benefits to the community; and

WHEREAS, the City desires to support the organizational stability of El Paso's arts and cultural assets and to cultivate organizational growth and professional development.

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

That the City Manager be authorized to approve and sign the attached Challenge Grant Agreement between the City of El Paso to the El Paso Opera Company for the City's grants of one-to-one matching funds of up to FIFTY THOUSAND AND NO/DOLLARS (\$50,000.00), for operational support purposes in furtherance of the public purpose stated herein and to provide community partnership support to help meet the goals of the City's Museums and Cultural Affairs Department (MCAD), to be funded through the general fund.

Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lilly, Presi Ortega, Jr., Holguin, Castro, Byrd, Steve Ortega, and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Yolanda Alameda, Museums and Cultural Affairs
- 3. Mr. David Almonte, Office of Management and Budget

Mr. Michael White, President of the Board of Trustees of the El Paso Opera and Mr. Raymond Harvey, Music Director of the El Paso Opera, commented.

Ms. Sandee Jaeger, citizen, commented.

1ST MOTION

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

2ND MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT** of the Agenda.

3RD MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and carried to **AMEND** the Challenge Grant Agreement to include that the El Paso Opera Company must first raise \$50,000 before the Challenge Grant is given to them by the City.

4TH AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Castro, and unanimously carried to **APPROVE** the Resolution, with the amended Challenge Grant.

.....
4A. – 4C. REINSTATEMENTS

*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Montes, Gilberto S. – Truck Driver
- B. Chavez, Samuel Levi – Coach Operator
- C. Ayala, David M. – Recreation Leader

.....
5A. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that Karla Hernandez be **APPOINTED** as Assistant City Attorney effective February 12, 2007.

.....
5B. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that William L. Lilly, Jr. be **APPOINTED** as Community and Human Development Director effective January 23, 2007.

.....
6. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Adeline K. Rogers to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Jose Alexandro Lozano, District 3.

.....
7A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Linda Y. Chew to the History Museum Board by Representative Jose Alexandro Lozano, District 3.

.....
7B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Julie Mo to the Brownfields Redevelopment Board by Representative Susie Byrd, District 2.

.....
8A. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-024, Janitorial Services – Pebble Hills Police Regional Command Center, to The Eagle Janitorial Services for a total estimated award of \$85,738.32.

Department: General Services-Maintenance Division
Award to: The Eagle Janitorial Services
El Paso, Texas
Item(s): 1
Option: One year
Annual Estimated Amount: \$28,579.44
Account No.: 31010325-01101-502206
Funding Source: General Services, Maintenance Division Operating Account, Maintenance Service Contracts-Janitorial
Total Estimated Award: \$85,738.32

This is a thirty-six month contract.

Vendor offers a prompt payment discount of 3% 20 days.

The Departments of Financial Services and General Services, Maintenance Division, recommend award to the bidder offering the best value bid.

.....
8B. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-060, Security Guard Services – El Paso Fire Department, to Ruiz Protective Services, Inc. for a total estimated award of \$147,752.64.

Department: Fire
Award to: Ruiz Protective Services, Inc.
El Paso, TX
Item(s): All
Option: 2 Years, if the option is exercised anytime during the contract period
Annual Estimated Amount: \$49,250.88
Account No.: 22010090-01101-502212
Funding Source: Fire – Operating Account, Security Contracts
Total Estimated Award: \$147,752.64

This is a thirty-six month contract.

The Departments of Financial Services and Fire recommend award to the bidder offering the best value bid.

.....
8C. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-057, Clint Landfill Fence Repair and Replacement, to City Fence & Pipe Co. for a total estimated award of \$37,262.50.

Department: Environmental Services
Award to: City Fence & Pipe Co.
El Paso, TX
Item(s): All
Account No.: 34340200-40415-508009
Funding Source: Solid Waste Management Equipment/Fixtures

Total Estimated Award: \$37,262.50

Vendor offers a prompt payment discount 15-20 days.

The Departments of Financial Services and Environmental Services recommend award to the bidder offering the best value bid.

.....
9A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-043, Pot Hole Patch Truck, to Border International Trucks for a total award of \$115,911.00.

Department: Streets
Award to: Border International Trucks
El Paso, Texas
Item(s): #1 and options 0-3, 0-4, 0-8, 0-9, 0-10
Option: Vendor offers an option to purchase up to one hundred percent of the original contract quantities, at the same unit price, if the option is exercised within ninety days from the date of award of the contract.
Account No.: 508006-27503-04102010-P540010CTY
Funding Source: Capital Outlay for Vehicular Equipment
Total Award: \$115,911.00

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

No prompt payment discount was offered.

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

.....
9B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-051, EPIA Road Improvements from ARFF to Fuel Farm, to C.F. Jordan, L.P., of El Paso, Texas, for a total estimated award of \$132,769.00.

Department: El Paso International Airport
Award to: C.F. Jordan, L.P.
El Paso, Texas
Base Bid I: \$132,769.00
Account No. PAP0042-62620026-41082-508027
Funding Source: EPIA Enterprise Funds

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the

intent of the design which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering, and Airport recommend award as indicated to the lowest responsive, responsible bidder.

.....
9C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-065, Disposal of Waste Tires, to Chaparral Sand and Gravel for a total estimated award of \$90,000.00.

Department: Environmental Services
Award to: Chaparral Sand and Gravel
Chaparral, NM
Item(s): All
Account No.: 34010293-40403-502204
Funding Source: Solid Waste Management, Environmental Contracts, Recycling CCS HHW
Total Estimated Award: \$90,000.00

This is a service requirements type contract with a thirty-six month contract.

The Departments of Financial Services and Environmental Services recommend award to the lowest responsive, responsible bidder.

.....
10. FIRE DEPARTMENT

*Motion made, seconded, and unanimously carried that the City of El Paso **ACCEPT** the tested and approved fire hydrants listed below to provide adequate fire protection to existing and new areas.

	Hyd. #	Location
A.	7956	196 'B' Mowad Rd., South Loop
B.	7957	199 'B' Mowad Rd., North Loop
C.	8018	Pan American Dr., 245' ± South of Franklin Spur Drain
D.	8019	Pan American Dr. & Winn Rd., South-East corner
E.	8044	Goodyear Dr., 335' ± South-West of James Watt Dr.
F.	8065	Franklin Dr., 170' ± South of N. Carolina Dr.
G.	8132	825 N. Zaragosa Rd., 580' ± North of North Loop Rd. (easement)
H.	8154	12629 Sun Trail Dr., 392' ± West of Crystal Ridge St.
I.	8159	American Dr. & Northrop Rd., South-East corner
J.	8173	N. Zaragosa Rd., 185' ± West of George Dieter (easement)
K.	8246	9523 Viscount Bl., 150' ± North of Gateway West Bl. (East of R.O.W.)
L.	8248	Tierra Negra Dr. & Tierra Dura Dr., North-West corner
M.	8266	Walter Jones Bl., 950' ± East of Spur Dr.

N. 8276 11444 Rojas Dr., 385' ± West of Goodyear Dr.

O. 8291 Apollo Av., 134' ± West of Pandora St.

P. 8292 Apollo Av., 45' ± West of Diana Dr.

Q. 8293 Apollo Av., 316' ± West of Mt. Latona Dr.

R. 8302 Sun Spirit Dr. & Sun Quest St., North-East corner

S. 8303 Sun Spirit Dr. & Crystal Dr., North-West corner

T. 8304 12621 Sun Empress Dr., 365' ± West of Crystal Ridge Dr.

U. 8305 Sun Mist Ct. & Sun Quest St., North-East corner

V. 8306 Sun Mist Ct. & Crystal Ridge Dr., North-West corner

W. 8307 12621 Sun Haven Dr., 265' ± West of Crystal Ridge Dr.

X. 8308 12515 Sun Empress Dr., 320' ± West of Sun Quest St.

Y. 8309 12505 Sun Spirit Dr., 500' ± West of Sun Quest St.

Z. 8313 6226 Oryx Cr., 328' ± South-East of Cross Ln.

AA. 8319 8833 Dyer St., 124' ± South of Moonlight Av.

BA. 8334 281 Redd Rd., 488' ± East of Gus Rallis Dr.

CA. 8347 7261 Desert Eagle Dr., 127' ± West of Cactus Spine Ln.

DA. 8351 Loma Taurina Dr. & Loma Del Sol Dr., North-West corner

EA. 8352 4337 Loma Taurina Dr., 129' ± North-West of Loma Isla Ln.

FA. 8415 1137 Calle Parque Dr., 815' ± East of Calle Roja Wy.

GA. 8416 1101 Calle Parque Dr., 140' ± East of Calle Roja Wy.

HA. 8427 Physicians Dr., 314' ± East of George Dieter Dr.

IA. 8430 Physicians Dr. & David Ray Wy., North-West corner

JA. 8431 Physicians Dr. & Stone Canyon Wy., North-West corner

KA. 8435 1301 Bob Hope Dr., 250' ± North of Dave Johnson Dr.

LA. 8436 Aloe Vera Ln. & Helen of Troy Dr., South-East corner

MA. 8437 7367 Prickley Pear Dr., 232' ± South of Helen of Troy Dr.

NA. 8438 7348 Helen of Troy Dr., 176' ± East of Prickley Pear Dr.

OA. 8439 7341 Prickley Pear Dr., 595' ± South-West of Helen of Tory Dr.

PA. 8440 Prickley Pear Dr. & Helen of Tory Dr., South-East corner

QA. 8441 1516 Nardo Goodman Dr., 175' ± South of Helen of Tory Dr.

RA. 8442 Pataya Ln. & Helen of Tory Dr., South-East corner

SA. 8443 Leigh Fisher Bl., 335' ± North of Butterfield Trail Bl.

TA. 8448 Escobar Dr., 643' ± West of Valley Crest Dr.,

UA. 8449 Diesel Dr., 1505' ± South of Castner Dr.

VA. 8450 Diesel Dr., 782' ± South of Castner Dr.

- WA. 8452 Kessler Dr., 400' ± North of Castner Dr.
- XA. 8453 3313 Eileen Dr., 223' ± South of Arjay Dr.
- YA. 8454 3381 Eileen Dr. & Evans Dr., South-East corner
- ZA. 8455 5061 Fred Wilson Av., 1206' ± East of Planeport Rd.
- AB. 8456 5061 Fred Wilson Av., 1722' ± East of Planeport Rd.
- BB. 8457 Turner Rd., 75' ± East of George Dieter Dr.
- CB. 8458 Gateway West Bl., 130' ± East of McRae Bl.
- DB. 8459 Rosa Av. & Roosevelt St., North-West corner
- EB. 8464 850 Talbot Av., (road A & road B, South-East corner)
- FB. 8465 850 Talbot Av., (road A, 600' ± South of road C)
- GB. 8466 850 Talbot Av., (road A, 200' ± South of road C)
- HB. 8467 850 Talbot Av., (road A, 206' ± North of road B)
- IB. 8483 Pheasant Rd. & Dyer St., North-East corner
- JB. 8491 5915 Silver Springs Dr., 220' ± North of Silver Springs Dr. (easement)
- KB. 8506 613 Pat Cruz Ln., 250' ± East of Laguna Dr.
- LB. 8548 South Strahan Rd., 3126' ± South of Artcraft Dr.
- MB. 8549 South Strahan Rd., 2657' ± South of Artcraft Dr.
- NB. 8550 South Strahan Rd., 2173' ± South of Artcraft Dr.
- OB. 8551 South Strahan Rd., 1600' ± South of Artcraft Dr.
- PB. 8552 South Strahan Rd., 1130' ± South of Artcraft Dr.
- QB. 8553 South Strahan Rd., 620' ± South of Artcraft Dr.
- RB. 8554 South Strahan Rd., 110' ± South of Artcraft Dr.
- SB. 8557 Doniphan Dr., 40' ± North-West of Frontera Rd.
- TB. 8559 Alfredo Vasquez Pl., 300' ± North of Jon Cunningham Bl.
- UB. 8588 Atlantic Rd., 380' ± North-East Of Doniphan Dr.
- VB. 8636 North Loop Dr., 670' ± South-East of Muralla Wy.
- WB. 8641 42 Butterfield Cr., 402' ± South-East of Butterfield Trail Bl.
- XB. 8642 Dakota Ridge Dr., 313' ± East of E. Redd Rd.
- YB. 8649 Kokopelli Wy., 290' ± North of Dakota Ridge Dr.
- ZB. 8662 Pellicano Dr., 500' ± East of Cedar Oak Dr.

.....

11A. – 11D.

Motion made by Representative Lozano, seconded by Representative Byrd, 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 authorizing the City of El Paso to sell a portion of Lots 10, 11, 16, 17, 34, and 35, Block 12, Sunset Heights, Second Revised Map, El Paso, El Paso County, Texas, to Don Luciano.
- B. An Ordinance changing the zoning of a portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- C. An Ordinance changing the zoning of Lots 27 and 28, and a portion of Lots 25, 26, and 29, Cinecue Park Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- D. An Ordinance changing the zoning of Tracts 1O, 1O2, 1O3, 1O4, 1O5, 1O6, 1O7, 1O8, 1O9, 1P1, 1P3, 1Q, 1Q2, 1Q3, 1Q4, 1Q5, 1Q6, 1D1, 1D1A, 1D1B, 1D1C, 1D1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

.....

12.

ORDINANCE 16548

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 2.102 (NEIGHBORHOOD ASSOCIATION RECOGNITION) IN ITS ENTIRETY.**

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. William Lilly, Community and Human Development
- 3. Mr. Matt Watson, Attorney, gave legal advice.
- 4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Charlie Wakeem, citizen, commented.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **AMEND** Section K on page 8 of the Ordinance to provide notice regarding City bids, sales, and lease of land.

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

.....

13. PUBLIC HEARING – POLICE DEPARTMENT

Public Hearing in accordance with Section 6.16.080 of the El Paso Municipal Code to determine whether Oliver Olivar, d/b/a City Cab Company, is fit, willing, and able to provide taxi service in the City of El Paso

and whether the Chief of Police should be authorized to issue an operating permit to City Cab Company to operate twenty taxicabs pursuant to Title 6 of the Municipal Code.

Representatives Lozano, Presi Ortega, Jr., Byrd, and Steve Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Paul Cross
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Oliver Olivar, co-owner of Border Cab Company and owner of City Cab Company
- 2. Mr. Ramon Dominguez, General Manager of Yellow and Checker Cab Companies
- 3. Mr. Luis Sallard, Dispatcher for Yellow and Checker Cab Companies
- 4. Mr. Santokh Kalkat, Yellow and Checker Cab Company

1ST MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow members of the public to address Council after the sign-up period.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for two weeks.

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

14. MAYOR AND COUNCIL

Discussion and action regarding the preparation of an Ordinance limiting the power of eminent domain in the redevelopment districts to public use and not economic development.

With the approval of Mayor Cook, Representative Castro included in the record the Kelo vs. City of New London, Connecticut court decision from the United States Supreme Court (attached to these Minutes).

Representatives Holguin, Byrd, Lozano, Lozano, Castro, and O'Rourke commented.

Mr. Stuart Blaugrund, on behalf of the Land Grab Opponents, commented.

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **DIRECT** the City Attorney's office to prepare an Ordinance as submitted.

- AYES: Mayor Cook and Representatives Byrd, Lozano, Castro, Holguin
- NAYS: Representatives Lilly, Presi Ortega, Jr., Steve Ortega, and O'Rourke

Mayor Cook broke the tie voting aye.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **DIRECT** the City Attorney's office to prepare an Ordinance as submitted. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin

NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

.....
15. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Discussion and action on the status of the planning and fundraising efforts for the City-sponsored CicloVia pilot program to be held during the month of May 2007, and authorizing funding up to an amount not to exceed \$15,000.00 to offset any costs of hosting the pilot program not covered through private fundraising efforts.

Ms. Pat Aduato, Deputy City Manager, Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lozano, Lilly, O'Rourke, and Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** funding up to an amount not to exceed \$15,000.00 to offset any costs of hosting the pilot program not covered through private fundraising efforts.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro, Presi Ortega, Jr., and Holguin.

.....
16. DEVELOPMENT SERVICES

That the City Manager be authorized to sign a Development Agreement by and between the City of El Paso, the El Paso Water Utilities - Public Service Board, and El Paso Jamas, LTD and B.A.R. Construction, Inc. to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West Extraterritorial Jurisdiction and containing 57.226 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities - Public Service Board.

Ms. Kelly Carpenter, Planning Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the item.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro, Presi Ortega, Jr., and Holguin

.....
17. ECONOMIC DEVELOPMENT

Discussion and action regarding the granting of economic development incentives to Champlain Cable Corporation by the City of El Paso.

Mayor Cook and Representatives O'Rourke, Castro, Lozano, Steve Ortega, and Presi Ortega, Jr. commented.

Ms. Kathy Dodson, Economic Development, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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

Mr. Bill Reikert, Vice President of Operations of Champlain Cable Company and Mr. Tim Lasat, Director of Finance of Champlain, commented.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and carried to **DIRECT** Economic Development to come back to the City Council with an agreement regarding economic development incentives to Champlain Cable Corporation as recommended by the Economic Development Legislative Review Committee.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

.....
18. FINANCIAL SERVICES - BID

Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **AWARD** Bid Solicitation No. 2007-022, Alberta/Concepcion Street and Drainage Improvements, to Southwest Growth Corporation of El Paso, Texas, for a total estimated award of \$1,411,229.46.

Department:	Streets
Award to:	Southwest Growth Corporation
	El Paso, Texas
Items:	Base Bid I: \$1,310,587.96
	Base Bid II: \$ 60,893.10
	Base Bid III: \$ 39,748.40
Total Estimated Award:	\$1,411,229.46
Account No:	99331117 - PST06002 – 27263 - 508027
Funding Source:	FY 2006 Certificates of Obligation

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

The Departments of Financial Services, Engineering, and Streets recommend award as indicated to the lowest responsive, responsible bidder.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro and Presi Ortega, Jr.

.....
19A. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

Mr. Larry Nichols, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Lozano, Steve Ortega, and Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Lozano, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **APPROVE** the staff recommendation with a cap of 45% for the Delta.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

.....
19B. CITY MANAGER

City Manager's report of current events and issues:

Quarterly Financial Report, 1st Quarter.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Steve Ortega, Lozano, Holguin, and Castro commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION WAS TAKEN on the item.

.....
ADDITION TO THE AGENDA

MAYOR'S RECOGNITION

Special Recognition for Neighborhood Clean Up Efforts to Jorge Almada and the Central Neighborhood Association

.....
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council meeting at 11:26 a.m. for the Mass Transit Department Board Meeting.
.....

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting at 12:19 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lozano, Presi Ortega, Jr., and Holguin

.....
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 2:10 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk