

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
FEBRURY 3, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Early departures: Melina Castro and Rachel Quintana at 1:50 p.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **BLACK HISTORY MONTH**
2. **PERIANESTHESIA NURSE AWARENESS WEEK**

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. Bill Addington
2. Mr. Jerry Thiedt
3. Mr. Jorge Artalejo
4. Mr. Ray Gilbert

Mayor Cook and Representatives Lilly and Holguin commented.

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

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:39 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.

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480. (551.071)

NO ACTION was taken on the item.
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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 27, 2009.
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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

RESOLUTION

THAT the regular City Council meeting scheduled for February 17, 2009, is hereby rescheduled to Monday, February 16, 2009, at 9:00 a.m.

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

Ms. Joyce Wilson, City Manager, commented, and Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

1ST MOTION

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

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, to **APPROVE** the Resolution. **THE MOTION FAILED.**

AYES: Representatives Quintana and Holguin

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

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **APPROVE** the Resolution, **AS REVISED TO SCHEDULE THE MEETING FOR MONDAY, FEBRUARY 16, 2009, AT 9:00 A.M.**

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

NAYS: Representatives Acosta and Quintana

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3B.

***RESOLUTION**

THAT the City of El Paso Museums and Cultural Affairs Department Direct Funding Guidelines (attached hereto as Exhibit "A") be approved, as recommended by the Cultural Affairs Advisory Board and Museums and Cultural Affairs Staff.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

Mr. Bill Addington, citizen, commented.

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3C.

***RESOLUTION**

THAT the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount not to exceed \$75,000 for the University of Texas at El Paso to provide a graduate certificate program in Urban and Regional Planning to employees of the Development Services Department – Planning Division in order to enhance the employees knowledge and skills and the service quality and efficiency of the department staff, and that the City Manager may increase the number of City employee participants and pay additional compensation at the amounts set forth in the Agreement.

Representatives Quintana and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. David Almonte, Director of Office of Management and Budget, commented.

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3D.

***RESOLUTION**

THAT the City Manager be authorized to sign an Agreement (the “Agreement”) by and between the City of El Paso and the AARP Foundation (“AARP”), for AARP’s use of space at no cost in the Memorial, Hilos De Plata, Wellington Chew and Eastside senior centers, to provide a Tax Aid Program for an initial term of three years with an option to extend for an additional term of two years. The Program will provide tax assistance and encourage senior citizens to visit their local Senior Center and is offered to the City’s seniors at no cost to the seniors or the City.

Representative Byrd commented.

Ms. Judy Weiss, Assistant Director of Parks and Recreation, commented.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Katherine L. Updike to the City Plan Commission by Representative Beto O’Rourke, District 8.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ruben Chavez to the Historic Landmark Commission by Representative Emma Acosta, District 3.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mary Castillo to the City Accessibility Advisory Committee by Representative Beto O’Rourke, District 8.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Elizabeth Widmer to the Animal Welfare Advisory Committee by Representative Emma Acosta, District 3.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ruth Reyes to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Margaret J. (Peggy) Kirk to the Animal Shelter Advisory Committee (ASAC) by Representative Melina Castro, District 4.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Margaret J. (Peggy) Kirk to the Animal Welfare Advisory Committee (AWAC) by Representative Melina Castro, District 4.

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5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lisle H. Davis to the Fair Housing Task Force by Representative Melina Castro, District 4.

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5F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Yolanda Barbe to the Animal Shelter Advisory Committee by Representative Susie Byrd, District 2.

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6. APPLICATIONS FOR TAX REFUND

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

- A. Franklin Paso Partners LP in the amount of \$32,320.57 overpayment of 2008 taxes. (PID #B202-999-0750-4300).
- B. Countrywide Tax Service Corporation in the amount of \$2,726.19 overpayment of 2008 taxes. (PID #C007-999-0030-2900).
- C. Countrywide Tax Service Corporation in the amount of \$6,039.57 overpayment of 2008 taxes. (PID #C340-999-1490-1700).
- D. Jim R. & Nita R. Phillips in the amount of \$7,170.52 overpayment of 2008 taxes. (PID #C801-999-0040-2100).
- E. Kamara Shaw in the amount of \$4,299.48 overpayment of 2008 taxes. (PID #E077-000-0050-0300).
- F. Jose M. Palomares in the amount of \$3,230.42 overpayment of 2008 taxes. (PID #E114-999-0030-0100).
- G. Stewart Title of El Paso in the amount of \$3,728.88 overpayment of 2008 taxes. (PID #E222-999-0840-4300).
- H. Stewart Title of El Paso in the amount of \$4,226.15 overpayment of 2008 taxes. (PID #F609-999-0010-2500).
- I. Dovenmuehle Mortgage, Inc. in the amount of \$4,345.00 overpayment of 2008 taxes. (PID #H788-014-0030-1300).
- J. El Apple LLC in the amount of \$23,315.39 overpayment of 2007 taxes. (PID #N241-999-0130-0100).
- K. Fidelity National Title Insurance Co. in the amount of \$3,218.34 overpayment of 2008 taxes. (PID #P605-999-0110-0600).
- L. Wells Fargo Home Mortgage in the amount of \$3,101.45 overpayment of 2008 taxes. (PID #R220-000-0070-0500).
- M. Lone Star Title Co. in the amount of \$4,411.57 overpayment of 2008 taxes. (PID #R246-999-0110-0300).

N. Countrywide Tax Services in the amount of \$7,268.37 overpayment of 2008 taxes.
(PID #R460-999-0510-2100).

O. Wells Fargo Home Mortgage in the amount of \$6,459.98 overpayment of 2008 taxes.
(PID #S559-999-0060-1600).

7A.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2007-005 to Apache Barricade & Sign on October 10, 2006, for Barricade Rental Service; and

WHEREAS, pursuant to Section C 8A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City has issued a new solicitation for the services in order to increase the estimated units and duration of the contract and will be awarding a new contract for these services.

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

That the Purchasing Manager is authorized to notify Apache Barricade & Sign that the City is terminating Contract No. 2007-005 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of February 3, 2009.

7B. **BID**

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-062 (Barricade Rental Service) to Contractor's Barricade Service Inc. for a total estimated award of \$210,000.

Department:	Street
Award to:	Contractor's Barricade Service, Inc. El Paso, TX
Items:	All
Option:	Either one or two years
Annual Estimated Amount:	\$70,000
Account No.:	32010200 – 502411 – 01101
Funding Source:	General Fund
Total Estimated Award:	\$210,000 (3-year total)

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

8. **INTRODUCTION**

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

An Ordinance changing the zoning of a portion of tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 24, 2009, FOR THE ITEM

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9. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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ITEMS TAKEN TOGETHER:

10A.

ORDINANCE 17065

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

10B.

ORDINANCE 17066

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

10D.

ORDINANCE 17068

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE BY 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.

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Quintana, Castro, Lilly, O'Rourke and Acosta commented.

Ms. Joyce Wilson, City Manager, and Ms. Jane Shang, Deputy City Manager of Mobility Services, commented.

Mr. Alfonso Flores, Director of Operations for the Central Business Association, commented.

Ms. Heather McMurray, citizen, commented.

1ST MOTION

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND AND FINAL MOTION

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

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

NAYS: Representative Quintana

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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

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10C.

ORDINANCE 17067

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

Representatives Acosta, Quintana, and Castro commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Juan Miranda and Mr. Bernardo Gonzalez, citizens, commented.

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

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

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

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11.

ORDINANCE 17069

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A CREDIT AGREEMENT AND AN ISSUING AND PAYING AGENCY AGREEMENT WITH RESPECT TO THE CITY OF EL PASO, TEXAS, WATER AND SEWER COMMERCIAL PAPER NOTES, SERIES A, AMENDING THE ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH NOTES; AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID MATTERS.**

Mr. Paul Braden, Bond Counsel, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lilly, Byrd, and Acosta commented.

Mr. Nick Costanzo, Assistant General Manager for El Paso Water Utilities, commented.

Mr. Ray Gilbert, citizen, commented.

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

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

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

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12. MAYOR AND COUNCIL

Discussion and action regarding modifications to the City of El Paso State Legislative Agenda to include the following:

1. Statement of support for additional funding for libraries through the Lonestar Libraries Programs.
2. Seek passage of legislation that would allow the expansion of the number of Public Service Board members from 5 to 9.

3. Seek passage of legislation that would allow a city to create a special assessment in lieu of a lien to recoup expenses incurred in connection with demolition of unsafe structures and other measures to address matters of health, safety, and welfare.
4. Seek passage of legislation that would allow a city to create civil penalties for matters involving health, safety and welfare thereby allowing citations to be issued by civilian employees.

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Acosta, Byrd, Quintana, Ortega, Castro, O'Rourke

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Bill Addington, Sierra Club, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** modification 1.

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **AUTHORIZE** the Public Service Board (PSB) and the City to hire Mr. Hector Gutierrez, consultant, to study the best practices for governance in phases.

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

NAYS: Representatives Quintana and Ortega

NOT PRESENT FOR THE VOTE: Representative Holguin

3RD MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **PURSUE** seeking passage of legislation that would allow greater enforcement of liens to recoup expenses incurred in connection with demolition of unsafe structures and other measures to address matters of health, safety, and welfare.

NOT PRESENT FOR THE VOTE: Representative Holguin

4TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **DELETE** modification 4.

NOT PRESENT FOR THE VOTE: Representative Holguin

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13A. BUDGET TRANSFERS

*Motion made, seconded, and unanimously carried to **DELETE** the item on budget transfer BT2009-453 - Police. This transfer will establish appropriations for state confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$248,570.23	to	Miscellaneous Non Operating Revenue
Increase	\$167,610.83	to	Outside Contracts NOC
Increase	\$ 49,131.91	to	Public Safety Equipment
Increase	\$ 4,400.00	to	Furniture & Fixtures
Increase	\$ 26,924.64	to	Data Processing Equipment
Increase	\$ 502.85	to	Animals

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13B. BUDGET TRANSFERS

*Motion made, seconded, and unanimously carried to **DELETE** the item on budget transfer BT2009-454 – Police. This transfer will establish appropriations for federal confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$1,904,217.63	to	Miscellaneous Non Operating Revenue
Increase	\$ 350,000.00	to	Desktop Software Supplies
Increase	\$ 343,131.70	to	Public Safety Equipment
Increase	\$ 161,900.51	to	Data Processing Equipment
Increase	\$ 25,000.00	to	Animals
Increase	\$1,024,185.42	to	Construction

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14.

RESOLUTION

THAT the City Council approve amendments to the Community and Human Development Housing Programs Handbook Chapter 5, which relate to the City's Program for the Rehabilitation of Investor-Owned Properties to be re-named Chapter 5 Rental Housing Program, as recommended by the Community and Human Development Department Director, said proposed amendments incorporated herein into Chapter 5 of the Handbook and attached hereto as Exhibit "A".

Mr. William Lilly, Director of Community and Human Development, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution, **AS REVISED**, to include five extra points for access to transit within half mile of the development.

NOT PRESENT FOR THE VOTE: Representative Holguin

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15.

RESOLUTION

WHEREAS, on June 28, 2005, the City Council of the City of El Paso (the "City Council") approved a resolution to accept, on behalf of the City, an award of approximately \$5,822,173 from the El Paso Electric

Company Palo Verde Performance Rewards (the "Fund") for demand- side management programs to assist small business and commercial customers, pursuant to the terms and conditions of the settlement of Public Utilities Commission of Texas Docket No. 20450 and subject to the approval of the City Council of all projects to be funded;

WHEREAS, on January 3, 2006, the City Council approved a resolution that allocated the monies in the Fund to 1) Project Bravo, Inc.'s "El Paso Saving Home Energy" Project, 2) Business Incentives Program for Energy Efficiency Uses, and 3) Dark Sky Compliance Programs, and that any subsequent interest be used for administrative purposes; and

WHEREAS, there remains unspent interest in the Fund and staff recommends that the interest accrued in the Fund be allocated equally between the Business Incentives Program for Energy Efficiency Uses and Dark Sky Compliance Programs.

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

THAT the interest accrued from the Palo Verde Performance Standards Awards be equally allocated to the Business Incentives Program for Energy Efficiency Uses and Dark Sky Compliance Program and that the City Manager is authorized to effectuate all necessary budget transfers to comply and implement the approved initiatives.

Mayor Cook commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

Mr. Bill Addington, Sierra Club, commented.

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

NOT PRESENT FOR THE VOTE: Representative Holguin

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16. MUNICIPAL CLERK

Motion made by Representative Acosta, seconded by Representative Castro, and carried to **POSTPONE** one week the appointment of a part-time Associate Municipal Court Judges and to interview all three applicants.

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

NAYS: Representative Lilly

NOT PRESENT FOR THE VOTE: Representative Holguin

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

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

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17A. PARKS AND RECREATION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Open Space Implementation Plan and Annual Report and to attach them to the stimulus funding, if possible.

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

Ms. Shamori Whitt, Open Space, Trails, and Parks Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Ortega, Byrd, Acosta, Quintana, and Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

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17B. PARKS AND RECREATION

Discussion and action to authorize the Parks and Recreation Department to continue to use the current rules regarding gender eligibility in sports leagues offered by the City of El Paso.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Judy Weiss, Assistant Director of Parks and Recreation
- 3. Ms. Paula Powell, Parks and Recreation – Sports
- 4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Jim Tolbert, member of the Parks and Recreation Advisory Board
- 2. Ms. Sylvia Carreon
- 3. Mr. Bill Sparks, member of the Parks and Recreation Advisory Board
- 4. Mr. Edgar Fino

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **DIRECT** the City Attorney and Parks Department to confer with the AAU (Amateur Athletic Union) and TAAF (Texas Amateur Athletic Federation) to insure that if the City allows an ineligible team that is mixed it will not be detrimental to the rest of the teams.

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

NAYS: Representative Quintana

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND MOTION AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, to **ADVOCATE** for rule changes at TAAF (Texas Amateur Athletic Federation) and AAU (Amateur Athletic Union) to allow girls and boys to participate on teams together prior to the onset of puberty. **THE MOTION FAILED.**

AYES: Representatives Lilly, Byrd, and Acosta

NAYS: Representatives Castro, Quintana, Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Holguin

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17C.

R E S O L U T I O N

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the department concerning the Program;

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

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that the notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Department of Parks and Recreation to act for the Applicant in dealing with the Department for the purposes of the Program, and that the Director, Nanette Smejkal, is hereby officially designated as the Applicant's representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the City Manager and the Applicant's representative to make application to the Department concerning the site to be known as Westside Park Dog Park in the City of El Paso for a park site and is hereby dedicated for public park and recreation purposes in perpetuity...

SECTION 5: That the Applicant hereby certifies that a copy of the application has been submitted to the appropriate regional council of governments for Texas Review and Comments System consideration.

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

SECTION 6: That the Parks and Recreation Department is hereby authorized to expend any funds that are awarded by the Program for the Westside Park Dog Park Project.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Judy Weiss, Assistant Director of Parks and Recreation
- 3. Ms. Nanette Smejkal, Director of Parks and Recreation
- 4. Mr. Charlie McNabb, City Attorney, gave legal advice

Ms. Trish Miller and Ms. Dory Munder, citizens, commented.

1ST MOTION

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speaker to address the Council after the signup period.

NOT PRESENT FOR THE VOTE: Representative Holguin

2ND AND FINAL MOTION

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

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

NAYS: Representative Byrd

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

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18. CITY MANAGER

City Manager's report of current events and issues:

Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2009.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Police Chief Greg Allen
- 3. Mr. Said Larbi-Cherif, Director of International Bridges
- 4. Mr. David Almonte, Director of Office of Management and Budget
- 5. Ms. Ellen Smyth, Director of Environmental Services

NO ACTION was taken on the item.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:58 p.m.

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk