

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 - CORRECTED
COUNCIL CHAMBERS
FEBRUARY 1, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Carl Robinson and Rachel Quintana at 8:40 a.m. and Susannah M. Byrd at 8:51 a.m. during Executive Session deliberations. The invocation was given by Border Patrol Chaplain Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

BLACK HISTORY MONTH

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. Lisle Davis
2. Mr. Ray Bannon
3. Mr. Ronald Webster
4. Ms. Kirstin Perez
5. Ms. Lisa Turner
6. Mr. Manny Hinojosa
7. Ms. Lyda Ness

Representative Byrd commented

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Motion made by Representative O'Rourke, seconded by Representative Lilly, and carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 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:

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

- 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 on the Agenda:

Motion made by Representative Lilly, seconded by Representative Byrd, 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: Representative Acosta, Quintana, and O'Rourke

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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)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried that the City Attorney's Office be authorized to enter into a temporary injunction until March 7, 2011 in the lawsuit styled Six Kingdoms Enterprises, LLC vs. The City of El Paso, Texas; Cause No. EP-10-CV-00485-KC.

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

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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, Robinson, 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 25, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

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

That the Mayor be authorized to sign an Amendment to the Interlocal Agreement between the City of El Paso, the County of El Paso, and the El Paso County Hospital District to provide for the termination of the City's participation in the El Paso MHMR Center; and that the City Manager provide notice to the Texas Department of State Health Services of the termination of the City's participation.

Mayor Cook and Representatives Robinson and Ortega commented.

The following City Staff commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice
3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice

Motion made, seconded, and carried to **APPROVE** the Resolution.

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3B. HUMAN RESOURCES

*Motion made, seconded, and carried to **APPROVE** the restated 457 Deferred Compensation Plan for Public Employees and authorize the City Manger to sign the restated document.

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3C.

***RESOLUTION**

WHEREAS, pursuant to Section 401(a) of the Internal Revenue Code, as amended, employers may create a tax deferred compensation plan whereby the employer may make tax deferred contributions to the deferred compensation plan for the benefit of its employees (a "**401(a) Plan**");

WHEREAS, the City of El Paso (the "**City**") created a 401(a) Plan in 2005 for the purpose of recruiting of qualified individuals, in remaining a competitive employer in the market place, and in providing a retirement vehicle for eligible employees; and

WHEREAS, the City desires to amend and restate the City's 401(a) Plan in order to comply with current federal law.

NOW, THEREFORE, BE IT RESOLVED:

1. **THAT** the City hereby approves that certain Amended and Restated City of El Paso Profit Sharing Plan and Trust, effective as of January 1, 2011; and
2. **THAT** the City Manager be authorized to sign the Plan Documents and any other documents necessary to effectuate this approval.

*Motion made, seconded, and carried to **APPROVE** the Resolution.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Janice Nutt to the Animal Shelter Advisory Committee by Representative Steve Ortega, District 7.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Janice Nutt to the Animal Welfare Advisory Committee by Representative Steve Ortega, District 7.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Linda Krasowski to the Animal Welfare Advisory Committee by Representative Rachel Quintana, District 5.

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4D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Laird S. Carmichael to the Committee on Border Relations by Representative Steve Ortega, District 7.

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5 BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Frederick Caldwell to the Parks and Recreation Advisory Board by Representative Carl L. Robinson, District 4.

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6. APPLICATION FOR TAX REFUNDS

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

- A. Wells Fargo Home Mortgage in the amount of \$2,758.22 overpayment of 2010 taxes. (PID #B690-999-0006-2700).
- B. Wells Fargo Home Mortgage in the amount of \$5,229.81 overpayment of 2010 taxes. (PID #C102-000-0010-2200).
- C. Capital Title in the amount of \$7,738.39 overpayment of 2010 taxes. (PID #C167-999-0010-6000).
- D. Wells Fargo Home Mortgage in the amount of \$4,277.13 overpayment of 2010 taxes. (PID #C340-999-0230-7500).
- E. L.S.I. Title Agency, Inc., in the amount of \$4,302.67 overpayment of 2010 taxes. (PID #C340-999-0700-1100).
- F. Wells Fargo Home Mortgage in the amount of \$4,617.09 overpayment of 2010 taxes. (PID #C518-999-0920-2200).
- G. Wells Fargo Home Mortgage in the amount of \$2,701.75 overpayment of 2010 taxes. (PID #C736-999-0040-0500).
- H. Wells Fargo Home Mortgage in the amount of \$4,386.51 overpayment of 2010 taxes. (PID #E077-000-0120-2900).

- I. Allegiance Title Company in the amount of \$3,115.43 overpayment of 2010 taxes. (PID #E077-000-0040-0300).
- J. Lone Star Title Company in the amount of \$3,360.36 overpayment of 2010 taxes. (PID #E222-999-0020-4100).
- K. Wells Fargo Home Mortgage in the amount of \$3,058.32 overpayment of 2010 taxes. (PID #F626-999-0010-2300).
- L. Wells Fargo Home Mortgage in the amount of \$3,783.24 overpayment of 2010 taxes. (PID #G688-999-0008-0050).
- M. Sierra Title Company in the amount of \$4,667.76 overpayment of 2010 taxes. (PID #H415-999-0060-1000).
- N. Sharon Duncan in the amount of \$4,746.17 overpayment of 2010 taxes. (PID #H454-999-0020-1300).
- O. Wells Fargo Home Mortgage in the amount of \$2,737.96 overpayment of 2010 taxes. (PID #H770-000-0010-0500).
- P. Wells Fargo Home Mortgage in the amount of \$2,869.95 overpayment of 2010 taxes. (PID #H770-000-0010-1100).
- Q. Wells Fargo Home Mortgage in the amount of \$3,562.13 overpayment of 2010 taxes. (PID #H770-000-0030-0500).
- R. Wells Fargo Home Mortgage in the amount of \$4,432.74 overpayment of 2010 taxes. (PID #H770-000-0030-0700).
- S. Wells Fargo Home Mortgage in the amount of \$4,041.29 overpayment of 2010 taxes. (PID #H788-002-0130-0070).
- T. Chicago Title Insurance Company in the amount of \$3,062.63 overpayment of 2010 taxes. (PID #L069-999-0120-1900).
- U. Chicago Title Insurance Company in the amount of \$7,551.31 overpayment of 2010 taxes. (PID #L131-999-0050-2900).
- V. David and Lorena Ayala Moreno in the amount of \$5,945.37 overpayment of 2010 taxes. (PID #L626-999-0030-2600).
- W. Wells Fargo Home Mortgage in the amount of \$2,712.99 overpayment of 2010 taxes. (PID #M090-999-0010-0600).
- X. Henry L. Taylor in the amount of \$5,615.14 overpayment of 2010 taxes. (PID #M327-999-0020-1300).
- Y. Robert & Juanita S. Falvey in the amount of \$4,766.73 overpayment of 2009 taxes. (PID #M344-999-0340-0400).
- Z. Wells Fargo Home Mortgage in the amount of \$3,983.27 overpayment of 2010 taxes. (PID #M403-999-0030-5700).

- AA. Paul W. Leslie, III and Laura L. Leslie in the amount of \$9,417.32 overpayment of 2010 taxes. (PID #M722-999-0000-6800).
- BB. Wells Fargo Home Mortgage in the amount of \$3,714.42 overpayment of 2010 taxes. (PID #P324-999-0280-6400).
- CC. Hilda M. & Alfredo Chavarria, Jr. in the amount of \$3,179.37 overpayment of 2010 taxes. (PID #P654-999-0440-1900).
- DD. Linda Troncoso and Ignacio Troncoso in the amount of \$6,383.12 overpayment of 2010 taxes. (PID #R457-999-0010-9200).
- EE. Wells Fargo Home Mortgage in the amount of \$7,348.89 overpayment of 2010 taxes. (PID #R460-999-0500-1200).
- FF. Wells Fargo Home Mortgage in the amount of \$2,631.77 overpayment of 2010 taxes. (PID #S137-999-0110-0300).
- GG. Wells Fargo Home Mortgage in the amount of \$4,379.14 overpayment of 2010 taxes. (PID #S138-999-0010-0690).
- HH. Stewart Title of El Paso in the amount of \$3,767.76 overpayment of 2010 taxes. (PID #S138-999-0050-2100).
- II. Wells Fargo Home Mortgage in the amount of \$4,380.89 overpayment of 2010 taxes. (PID # S380-999-0040-2300).
- JJ. Ronald White in the amount of \$9,423.77 overpayment of 2010 taxes. (PID #S332-999-0030-3200).
- KK. Miguel and Susana Vela in the amount of \$5,908.68 overpayment of 2010 taxes. (PID #S700-999-0040-0600).
- LL. Wells Fargo Home Mortgage in the amount of \$4,825.02 overpayment of 2010 taxes. (PID #S812-999-0240-3400).
- MM. Wells Fargo Home Mortgage in the amount of \$4,436.15 overpayment of 2010 taxes. (PID #S812-999-0290-2200).
- NN. Bowie Bakery I LLC in the amount of \$5,204.18 overpayment of 2009 taxes. (PID #S812-999-0460-0240).
- OO. Network National Title in the amount of \$3,957.54 overpayment of 2010 taxes. (PID #T287-999-0410-4000).
- PP. Wells Fargo Home Mortgage in the amount of \$3,646.91 overpayment of 2010 taxes. (PID #T287-999-0820-0200).
- QQ. Lone Star Title Company of El Paso, Inc., in the amount of \$2,513.27 overpayment of 2010 taxes. (PID #T287-999-1460-0170).
- RR. First American Title in the amount of \$4,731.80 overpayment of 2010 taxes. (PID #T287-999-1520-1000).

- SS. Wells Fargo Home Mortgage in the amount of \$2,632.86 overpayment of 2010 taxes. (PID #T287-999-1690-1300).
- TT. Wells Fargo Home Mortgage in the amount of \$3,326.28 overpayment of 2010 taxes. (PID #T287-999-1850-3500).
- UU. Stewart Title of El Paso in the amount of \$8,773.81 overpayment of 2010 taxes. (PID #T617-000-0000-1400).
- VV. Wells Fargo Home Mortgage in the amount of \$2,826.76 overpayment of 2010 taxes. (PID #T820-999-0100-1800).
- WW. Texas Title Company in the amount of \$3,403.82 overpayment of 2010 taxes. (PID #V893-999-4890-0100).
- XX. Samuel L. Vandergrift in the amount of \$3,838.14 overpayment of 2010 taxes. (PID #V893-999-5630-0500).
- YY. Stewart Title of El Paso in the amount of \$3,430.36 overpayment of 2010 taxes. (PID #V893-999-5810-3400).
- ZZ. Wells Fargo Home Mortgage in the amount of \$6,524.11 overpayment of 2010 taxes. (PID #V897-999-0910-0800).

- AAA. Corelogic Real Estate Services in the amount of \$6,706.48 overpayment of 2010 taxes. (PID #V897-999-1100-2400).
- BBB. Lone Star Title Company in the amount of \$3,049.72 overpayment of 2010 taxes. (PID #W145-999-0460-5500).
- CCC. Neil Grieshop in the amount of \$7,488.78 overpayment of 2010 taxes. (PID #W418-999-0050-2050).
- DDD. Wells Fargo Home Mortgage in the amount of \$5,659.52 overpayment of 2010 taxes. (PID #W837-999-0020-6900).
- EEE. Adrienne J. Hawley in the amount of \$4,714.86 overpayment of 2010 taxes. (PID #A492-999-0010-3150).
- FFF. Lawyers Title of El Paso in the amount of \$2,667.57 overpayment of 2009 taxes. (PID #F607-999-0520-4600).
- GGG. JMC Title Agency in the amount of \$4,279.71 overpayment of 2010 taxes. (PID #H417-999-0010-5700).
- HHH. Sierra Title Company in the amount of \$3,316.80 overpayment of 2009 taxes. (PID #S138-999-0290-0400).
- III. Trinidad and Maria Garcia in the amount of \$4,528.60 overpayment of 2010 taxes. (PID #S380-999-0160-1100).
- JJJ. Sierra Title Company in the amount of \$4,584.40 overpayment of 2010 taxes. (PID #S380-999-0100-2400).

KKK. George J. Yapor in the amount of \$5,958.61 overpayment of 2010 taxes.
(PID #V893-999-1110-6100).

LLL. Terry and Patricia Titus in the amount of \$3,721.62 overpayment of 2010 taxes.
(PID #V893-999-5700-2200).

MMM. Sierra Title Company in the amount of \$3,330.00 overpayment of 2010 taxes.
(PID #W144-999-0130-1100).

Fadi Hanna in the amount of \$3,292.39 overpayment of 2010 taxes.
(PID #W145-999-0640-0900).

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7. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-092 for the Landfill Wells - 2010 for a total estimated amount of \$204,710.

Department: Engineering and Construction Management
Award to: WDC Exploration & Wells
Base Bid: \$204,710
Total Estimated Completion: \$204,710
Funding Source: Disposal – garbage collection fees

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 may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

Mayor Cook and Representatives Robinson and Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Vernon Greggerson, Supervisor, Environmental Services, Engineering, commented.

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8. INTRODUCTION

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

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

NAYS: None

8. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on Certain Streets) of the El Paso City Code to Prohibit Parking on University Avenue Between Kansas Street and Ochoa Street; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2011, FOR THE ITEM

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9. CITY MANAGER

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega and carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

2nd MOTION

Motion made by Representative Ortega, seconded by Representative Quintana and carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Van Middlesworth two additional minutes to speak.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Robinson and O'Rourke.

3rd MOTION

Motion made by Representative O'Rourke, seconded by Representative Robinson, and unanimously carried to **AFFIRM** that the City Council is comfortable with a Solar Generation Tracker.

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

NAYS: None

4th MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried that City Council **SUPPORTS** the deferred tax structure program if it is similar to the Texas Gas Services GRIP program.

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

NAYS: Representative Lilly

5th MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **SUPPORT** the construction of 50 megawatts of solar energy facility and ask staff to come back with proposals to make that happen.

AYES: Mayor Cook and Representatives Byrd, Acosta, Quintana, and O'Rourke

NAYS: Representatives Lilly, Robinson, Holguin, and Ortega

Mayor Cook broke the tie, voting aye.

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

Ms. Joyce Wilson, City Manager, and Mr. Marty Howell, Sustainability Manager, commented.

Mr. Richard Fleager, Senior Vice President of Customer Care and External Affairs, El Paso Electric Company, commented.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Gary Hanson, Western Refining Company
3. Mr. Rex Van Middlesworth
4. Ms. Lisa Turner
5. Mr. Dan Salazar
6. Mr. Ed Petrecas
7. Mr. Anthony Cobos

10. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **AWARD AS REVISED** Solicitation No. 2011-069, for the Dallas Outfall Drainage Improvements Project to R.M. Wright Construction Co. for a total estimated amount of \$4,164,246.

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Byrd

Department: Engineering and Construction Management
Award to: R.M. Wright Construction Co.
Base Bid: \$4,164,246
Total Estimated Completion: \$4,164,246
Funding Source: Storm 2006 Certificates of Obligation and FY2009 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 may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

This is a unit price contract. The Engineering and Construction Management and Environmental Services Department recommend award to the offeror who submitted the highest ranked proposal.

Mayor Cook and Representatives Quintana and O'Rourke commented.

Mr. Sam Rodriguez, Engineering Division Manager, and Mr. R. Allen Shubert, City Engineer, commented

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11.

ORDINANCE 17493

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE EL PASO CITY CODE BY AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC SPACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.050 (COSTS AND FEES) E TO EXTEND THE APPLICATION PERIOD FOR ORGANIZATIONS SEEKING CITY SUPPORT, THE PENALTY IS AS PROVIDED FOR IN SECTION 13.36.100 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana commented

Ms. Joyce Wilson, City Manager, and Ms. Mirian Spencer, Planner, commented.

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

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.

RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

WHEREAS, by Resolution dated August 31, 2010 the City requested that the CRRMA confer with the Texas Department of Transportation (TxDOT) with regard to the process to revise the nomination and appointment process for City Council's appointments to the CRRMA Board of Directors;

WHEREAS, the CRRMA did confer with TxDOT and the City now desires to amend its nomination and appointment process inline with the guidance provided by TxDOT; and

WHEREAS, the City also now desires to make reappointments, in accordance with the new reappointment process outlined herein, to CRRMA Board Positions 1, 2, 4, 5 and 6;

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

1. THAT the City of El Paso hereby revises the nomination and appointment process required for the City Council's appointments to the CRRMA Board of Directors to be as follows:

- A. In the event of a vacancy, Board member nominations shall be solicited by the Mayor from City Council representatives by written notice for a period of not less than two (2) weeks. The Mayor may also request recommendations from the public within said period. Upon completion of the referenced two (2) week period, the Mayor shall review all received recommendations and those identified by the Mayor as well. At such time, the Mayor shall make one (1) nomination for each open position via presentation to the City Council at a City Council meeting. By majority vote, the City Council shall appoint a member for each open position, evidenced by City Council Resolution. In the event the City Council rejects a nominee by majority vote, the Mayor shall submit a new nominee for review and action of the Council as soon as reasonably possible. Future vacancies in the Board shall be filled in like manner; provided, however, that no City Council appointee may serve as a CRRMA Board member for more than a total of eight years throughout their lifetime.
- B. For reappointments of existing Board members, the Mayor may submit the incumbent's name for consideration of reappointment, without the requirement for the solicitation of names and associated timelines. In the event the reappointment is not approved by the City Council, the Mayor shall follow the process outlined for vacancies to fill the vacancy.

2. THAT the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions and remaining terms identified below, in accordance with the revised appointment process outlined above:

- A. Jim Volk for Position 2, whose term will expire on February 1, 2013;
- B. Tony Payan for Position 4, whose term will expire on February 1, 2013; and
- C. Susan Melendez for Position 6, whose term will expire on February 1, 2013.

3. THAT the City of El Paso hereby reappoints the following board members to the Camino Real Regional Mobility Authority Board for the positions and remaining terms identified below, in accordance with the revised appointment process outlined above:

- A. David Marcus for Position 1, whose term will expire on February 1, 2012; and
- B. Ralph Adame for Position 5, whose term will expire on February 1, 2012.

Mayor Cook and Representatives Quintana, Holguin, and Acosta, commented

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Raymond Telles, Executive director of CRRMA, commented.

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

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

NAYS: Representatives Quintana and Holguin

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12B.

RESOLUTION

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

That the City Manager be authorized 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.

Ms. Kathryn Dodson, Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta, Holguin, Robinson, Lilly, O'Rourke, and Ortega

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

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

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13A.

RESOLUTION

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

THAT the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to perform certain economic development services and supplemental sanitation services in connection with the City's revitalization efforts of Downtown El Paso, subject to the terms and conditions in the Interlocal Agreement and for the DMD to submit an annual report every February on the anniversary date.

Ms. Kathryn Dodson, Director, Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Robert Ayoub, President, Downtown Management District board of Directors, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Veronica Soto, Executive Director, Downtown Management District, commented.

Mayor Cook and Representatives Quintana, Acosta and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Elaine Hengen, Senior City Attorney, gave legal advice

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

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

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13B. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE** a request that City Council waive the requirement that an application for infill development meet two criteria as stated in Section 20.10.280 when only one factor is met, prior to the submission of a special use permit application for the property located at 4051 Emory Way, legally described as all of Tract 12B, Block 1, Upper Valley Surveys.

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

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

Representatives O'Rourke and Acosta commented.

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14. CITY MANAGER

Discussion and action on Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2011. **(All Districts)**

Mr. William Studer, Deputy City Manager, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on this item.

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:46 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk