

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 9, 2010
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, Emma Acosta, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr at 8:53 a.m. during Executive Session deliberations. Early departure: Eddie Holguin, Jr. at approximately 3:30 p.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **PAPELEROS WITH A PURPOSE DAY**
2. **NATIONAL HEALTHY MARRIAGE WEEK**

RECOGNITION

NATIONAL 2-1-1 DAY

PRESENTATION

RED KETTLE RING-OFF WINNER

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. James Perry
2. Ms. Lisa Turner
3. Mr. Jorge Artalejo

Representatives Robinson and Byrd commented.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. Discussion and action at the request of Representative Susie Byrd and Representative Carl Robinson on directing the City Manager to negotiate for parcels on the east side of the mountain owned by Daniel T. Knapp, R. E. Knapp, Palo Verde Properties LP, R.E. and R.A. Knapp for the purpose of open space preservation. (551.071 and 551.072)

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to **DIRECT** the City Manager to negotiate for parcels on the east side of the mountain owned by Daniel T. Knapp, R. E. Knapp, Palo Verde Properties LP, R.E. and R.A. Knapp for the purpose of open space preservation, including any short term arrangements that will allow the City time to work with the State to acquire funding.

Representatives Byrd and Robinson commented.

The following members of the public commented:

1. Representative Joseph Moody
2. Mr. Jim Tolbert
3. Ms. Isabel Hernandez, Sunrise Neighborhood Association
4. Ms. Jody Todd, Sunrise Neighborhood Association and representing residents on Galena Drive
5. Mr. Brian Haggerty

CONSENT AGENDA

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

AYES: Representatives Lilly, Byrd, 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 February 2, 2010.

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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 City Manager is hereby authorized to sign a Maintenance Facility and Land Lease for Auto Rental Concession by and between the City of El Paso ("Lessor") and Simply Wheelz LLC d/b/a Advantage Rent A Car ("Lessee") for the following described property:

A portion of Lot 4, Block 1-C, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, consisting of 64,695 square feet of land, including 3,400 square feet of building and site improvements; municipally known and numbered as 6535 de Havilland, El Paso, Texas.

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3B.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 24th day of June, 2009, after due notice and hearing, issued an order to Juan F. Jacquez and Maria Jacquez, record Owners of the hereinafter described property that the main structure be secured, demolish the accessory structure within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to secure the main structure, demolish the accessory structure and to clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the main structure, demolishing the accessory structure and cleaning the premises of all weeds, trash, and debris from the property, more particularly described as:

Lot 18, Block D, Deal Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 9, Page 4, Plat Records of El Paso County, Texas, municipally known and numbered as 5959 Ybarra Court, El Paso, Texas.

to be \$9,405.05, performed by the Street Department of the City of El Paso, and \$1,351.82, performed by the City Clerk's Office and Development Services Department, making a total of \$10,756.87. The City Council finds that the work was completed on the 21st day of November, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$10,756.87 to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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3C.

***RESOLUTION**

That the City Manager 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 Texas Parks and Wildlife Department, Franklin Mountains State Park (the "FMSP"), for the purpose of FMSP to operate and maintain a public restroom facility owned by the City of El Paso located across the road from the FMSP office facility ("the facility"), which fulfills a governmental function and service included in providing parks and recreation services to the citizens of the City of El Paso.

Representative Byrd commented.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign a License Agreement by and between the City of El Paso, and Union Valet LLC for the use of City owned property known as Union Depot Parking Lot #4 and managed by the City of El Paso's Mass Transit Department for the purpose of the operation of a valet parking lot.

Mayor Cook and Representatives Ortega and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Jay Banasiak, Director of Sun Metro, commented.

Mr. Rafael Arellano, owner of Vanilla Bar and Brick & Mortar Bar, commented.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Suzanne Todd to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sergio Vasquez to the FAIR Housing Task Force by Representative Ann Morgan Lilly, District 1.

4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Manuela Yolanda Torres to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Carl Robinson, District 4.

4D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Kelly M. Sorenson to the Building and Standards Commission by Representative Susie Byrd, District 2.

4E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Linda T. Vick to the Building and Standards Commission by Representative Steve Ortega, District 7.

5A. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders to Physio-Control, Inc., a division of Medtronic, Inc., the sole source provider for LIFEPAK Defibrillator/monitor products for the purchase of 20 LIFEPAK1000 Defibrillators in the estimated amount of \$57,089.86 and 5 LIFEPAK12 Defibrillator/Monitors in the estimated amount of \$88,674.41 for the El Paso Fire Department. Total estimated amount is \$145,764.27.

Department: Fire
Funding Source: Department of State Health Services matching Grant
Metropolitan Medical Response System (MMRS) Grant
Total Estimated Amount: \$145,764.27
Sole Source No.: 2010-147

Representative Robinson commented.

Assistant Fire Chief Chris Celaya commented.

5B. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders to Portable Computer Systems, a State Department of Information Resources (DIR) contractor under Contract DIR-SDD-531 to purchase 85 Panasonic Tough Book mobile computer terminals in the estimated amount of \$346,290 and for vehicle mounting hardware under Contract DIR-SDD-518 in the estimated amount of \$85,085 for the El Paso Police Department. The participation by the City of El Paso in the DIR Program was approved by Mayor and City Council on February 27, 2007.

Department: Police
Funding Source: Community Oriented Policing Services (COPS)
Technology FY09
Total Estimated Amount: \$431,375
Reference No.: 2010-141

5C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Johnson Controls, Inc., the Harris County Department of Education (HCDE) contractor under Choice Facility Partners Contract No. 09/023DR (HVAC Equipment, Installation, Service and Related Items), for HVAC equipment for MSC Building 1 Renovation. Total expenditures are \$168,538.

The participation by the City of El Paso in the Harris County Department of Education Cooperative (HCDE) Purchasing Program was approved by Mayor and City Council on August 18, 2009.

Department: General Services – Building Maintenance
Funding Source: MSC Improvements – FY98 CO
Total Estimated Amount: \$168,538
Reference No.: 2010-146

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Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 10:00 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **RECONVENE** the City Council Meeting at 10:02 a.m.

6. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-087 (Speed Humps and Speed Cushions) to Traffic Logix for a total estimated award of \$280,440, **WITH THE CONDITION THAT THE TRANSPORTATION LRC REVIEW THE NEIGHBORHOOD TRAFFIC PROGRAM WITHIN THE NEXT MONTH.**

Department: Engineering
Award to: Traffic Logix
Spring Valley, NY
Items: All
Annual Estimated Amount: \$93,480
Funding Source: FY 2009 Certificates of Obligation
Total Estimated Award: \$280,440 (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 Engineering recommend award as indicated, to the lowest responsive, responsible bidder.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Ms. Kimberly Forsyth, Engineering Lead Planner

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7A. – 7C. INTRODUCTIONS

Motion made by Representative Robinson, 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:

- 7A.** An Ordinance amending Ordinance 16013 to extend the term of Ordinance 16013 which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown Area.
- 7B.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.01 (Provisions Applicable to All Platting Procedures), Section 19.01.030 (Exemptions) of the El Paso City Code to allow an exemption for duplexes and to clarify an application requirement for exemptions. The penalty is as provided for in Section 19.42 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 16, 2010, FOR ITEMS 7A – 7B

- 7C.** An Ordinance releasing conditions placed on Tract 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2010, FOR ITEM 7C

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8. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2010-036 (Grounds Maintenance – City Medians) to Delta Unlimited, Inc. and Ransom Lawn Service, Inc. for a total estimated award of \$849,350.76.

Department:	Street
Award to: Vendor 1:	Delta Unlimited, Inc.
	El Paso, TX
Items:	Group I and IV
Option:	Two years
Annual Estimated Amount:	\$242,068.90

Award to: Vendor 2:	Ransom Lawn Service, Inc.
	El Paso, TX
Items:	Groups II and III
Option:	Two years
Annual Estimated Amount:	\$41,048.02

Funding Source: General Funds
Total Estimated Award: \$849,350.76 (3 years)

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 that one bidder be disqualified as non-responsible, and the contract be awarded to Delta Unlimited, Inc. and Ransom Lawn Service, Inc., the vendors offering the best value bid.

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9.

ORDINANCE 17273

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO RENEW AND EXTEND A SPECIAL PRIVILEGE TO ST. MARK'S UNITED METHODIST CHURCH TO PERMIT AND REGULATE THE CONSTRUCTION, MAINTENANCE, AND USE OF ONE SUBSURFACE STORM WATER DRAINAGE PIPE WITHIN A PORTION OF OLEANDER WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FOR A TERM OF FIFTEEN YEARS WITH ONE RENEWABLE TERM OF FIFTEEN YEARS.**

Representative O'Rourke commented.

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

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

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

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10.

ORDINANCE 17274

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL APPROXIMATELY 1,856 SQUARE FEET, BEING A PORTION OF O.A. DANIELSON SURVEY, NUMBER 315, EL PASO, EL PASO COUNTY, TEXAS, TO THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, SAID PARCEL TO BE INCLUDED IN A HIGHWAY CONSTRUCTION PROJECT FOR I-10 AT LOOP 375.**

Representative Holguin commented.

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

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

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

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

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11A.

RESOLUTION

WHEREAS, an unprecedented tragedy has been unfolding in our community, and our entire region is in immediate risk of further violence, devastation and chaos; and

WHEREAS, over 1,600 people in our community were killed in Juárez in 2008; over 2,650 in 2009; and over 266 killed so far this year; and

WHEREAS, nearly 150 children have been killed, and just within these past two weeks fifteen people were brutally murdered while attending family parties in private homes-most were high school-aged students and the youngest was a thirteen year old girl; and

WHEREAS, in the past two years the violence in Juárez has lead to the closing of over 10,000 businesses, has left over 100,000 homes vacant, and over 100,000 Juarenses having already fled their city, including at least 30,000 who have moved to El Paso; and

WHEREAS, El Paso and Juárez maintain a unique and unbreakable historical, familial and economic connection that has resulted in a rich culture and vibrant economy. In 2008 alone, the economies of the United States and Mexico were bolstered by \$51.1 billion in trade, which passed through our ports of entry, accounting for 18% of all trade between these two countries; and

WHEREAS, Juarenses annually spend over \$1.2 billion in the El Paso economy, and over 60,000 jobs in El Paso are dependent upon economic activity in Juárez, contributing to an overall economic impact of well over \$2 billion in El Paso; and

WHEREAS, Juárez is the deadliest city in the world. The absence of public safety and the rule of law are devastating the lives of our sister citizens and endangering the future peace and prosperity of this entire region, including El Paso, Texas; and

WHEREAS the terror taking place in Juárez is of human origin and therefore can be remedied through a human solution; and

WHEREAS it is incumbent upon us to work towards a solution that restores justice and ends the violence, no matter how difficult or unpleasant, as lives and the future of our community and region are at stake; and

WHEREAS, it is understood that much of the violence is fueled by the various drug wars – those between cartels, those within cartels, and those between cartels and the governments of the United States and Mexico – wars that take the lives of members of drug trafficking organizations and those innocent of any involvement; and

WHEREAS, black market drug sales in the United States and Mexico fund the operations of the cartels, with marijuana comprising at least 50% of their revenues; and

WHEREAS, our country's forty year War on Drugs has been a dismal social, economic and policy failure. It has not achieved any of its goals and narco-related violence along the U.S.-Mexico border is raging at unprecedented levels with no end in sight; and

WHEREAS, this Council urges citizens on both sides of the border to refrain from buying and consuming illegal drugs that fund the cartel terrorism in our community; and

WHEREAS, important changes need to take place in Juárez and Mexico, including the restoration of public safety and the creation of a true respect for the law. But there are ways we can help on this side of the border, and we must act now – people are dying, the future of our community is at stake, and enough is enough.

NOW, THEREFORE BE IT PROCLAIMED that the beginning of a solution to regional drug violence will involve a bi-national effort centered on the following action statements:

- We request that Mayor Cook invite United States President Barack Obama and Mexican President Felipe Calderon to the largest bi-national community in the world for the purpose of developing a coordinated bi-national strategy to bring an immediate end to the drug violence in our community.
- We urge comprehensive re-examination of our country's failed War on Drugs and we support drug policy initiatives that do not result in wasting government funds and empowering criminal gangs and trafficking organizations.
- We support a national campaign to encourage people to refrain from the use of illegal drugs by connecting their use to cartel-related terror.
- We encourage that any future aid, whether tied to Plan Mérida or otherwise, involve a rigorous accounting of allegations of human rights abuses and have strict performance metrics.
- We support U.S. aid that is tied to social, educational and economic development in Mexico and support that country's fight to establish effective and just rule of law.
- We oppose current U.S. policy that deports Mexican nationals directly to Juárez instead of to their state and city of origin, a practice that is unjust and also serves to supply potential recruits and victims to the criminal organizations operating in Juárez.
- We support opening all potential humanitarian and asylum opportunities for individuals and families in Juárez who are threatened and live in fear for their safety.
- We ask that Mexico be made a top foreign policy priority.

By adoption of this resolution the above stated proposals are hereby included in the City of El Paso's Federal and State legislative agendas.

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

Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Ignacio Padilla

2. Mr. Luis Bellman
3. Mr. Armando Cardola
4. Mr. Salvador Gomez
5. Ms. Kathleen Staudt, Coordinator for Global Policy Forum and Bi-national Dialogue Group
6. Dr. Tony Payan
7. Ms. Debbie Kelly
8. Mr. Ricardo Blazquez
9. Mr. Rene Nevarez
10. Mr. Luis Ruiz
11. Ms. Tanya Kalya Loya
12. Ms. Vanessa Romero
13. Ms. Nubia Legardo
14. Mr. Eric Contreras
15. Ms. Carliene Quist, Director of the Downtown Boys and Girls Club
16. Mr. Richard Newton
17. Mr. Jose Palomino Jimenez
18. Mr. Joachim Schalk
19. Mr. Angel Ortiz
20. Mr. Edgar Rangel
21. Mr. Bobby Byrd

1ST MOTION

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

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, to **APPROVE** the Resolution, **WITH THE REVISION CHANGING THE NUMBER OF DEAD TO 266. THE MOTION FAILED.**

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

NAYS: Mayor Cook and Representatives Acosta, Robinson, Quintana, and Holguin

Mayor Cook broke the tie, voting nay.

3RD AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and carried to **APPROVE** the Resolution with the **REVISION OF DELETING THE PARAGRAPH ON THE REPEAL OF INEFFECTIVE MARIJUANA DRUG LAWS AND TO REVISE THE LAST PARAGRAPH TO READ "WE ASK THAT MEXICO BE MADE A TOP FOREIGN POLICY PRIORITY"**.

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

NAYS: Representatives Robinson and O'Rourke

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11B. MAYOR AND COUNCIL - Legislative Review Committee Report

For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on January 14, 2010, as submitted by Representative Susie Byrd.

Representatives Byrd and Quintana commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

NO ACTION was taken on the item.

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ITEMS TAKEN TOGETHER:

11C. MAYOR AND COUNCIL - Legislative Review Committee Report

1. For notation: Formal report of the Planning and Development Legislative Review Committee meeting held on January 28, 2010, as submitted by Representative Ann Morgan Lilly, Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A) Requiring a downzoning of El Paso Water Utilities – Public Service Board held property as recommended by the Open Space Advisory Board pursuant to Recommendation A-1 contained within the Green Infrastructure Plan for the City of El Paso, and subject to the following:
 - i. Excluding properties zoned PMD (Planned Mountain Development District);
 - ii. Checking with bond counsel on any impact of the downzoning to the fiduciary responsibility or land value of the properties;
 - iii. Determining which undeveloped lands have surveys and developing a cost estimate for surveying the remaining parcels;
 - iv. Developing a financial plan for funding the survey work; and
 - v. Identifying other areas for exception to the downzoning.
 - B) Submitting items for the City’s 2010 Federal Legislative Agenda and 2011 State Legislative Agenda.

11D. MAYOR AND COUNCIL – Development and Infrastructure

Discussion and action to direct that the City Manager initiate a downzoning of El Paso Water Utilities – Public Service Board held property pursuant to the Green Infrastructure Plan for the City of El Paso, Recommendation A-1, and that the following issues be reviewed and presented to the City Council prior to the processing of the application:

- i. Excluding properties zoned PMD (Planned Mountain Development District);
- ii. Checking with bond counsel on any impact of the downzoning to the fiduciary responsibility or land value of the properties;
- iii. Determining which undeveloped lands have surveys and developing a cost estimate for surveying the remaining parcels;
- iv. Developing a financial plan for funding the survey work; and
- v. Identifying other areas for exception to the downzoning.

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

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

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Corky Hall, Executive Director of First Southwest, and Mr. Paul Braden, Bond Counsel, commented.

The following members of the public commented:

1. Mr. Charlie Wakeem, Chairman of the Open Space Advisory Board
2. Mr. Jim Tolbert, Open Space Advisory Board
3. Mr. Ray Bannon

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative Robinson, and carried to **DELETE** item 11D. **NO ACTION**, other than the above procedural Motion, was taken on item 11C.

AYES: Representatives Lilly, Acosta, Robinson, Quintana, and Ortega

NAYS: Representative Byrd and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Holguin

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12.

RESOLUTION

WHEREAS, the City Council for the City of El Paso ("Council") has identified development and implementation of a comprehensive neighborhood revitalization program as an important strategic goal and based on that direction, the City's Community and Human Development Department (the "Department") has committed to undertaking revitalization efforts for the City's more distressed neighborhoods; and

WHEREAS, the City has identified the Segundo Barrio Neighborhood as a candidate for comprehensive long-term and sustainable physical, economic, and social revitalization strategies to be accomplished through partnerships among local government agencies, the private sector, community organizations, and neighborhood residents to stimulate reinvestment of human and economic capital and empower residents to participate in the neighborhood's resurgence.

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

That the Council hereby approves the proposed El Segundo Barrio Neighborhood Revitalization Strategy, attached as Exhibit "A", as a neighborhood revitalization plan for the Segundo Barrio.

Mr. Mark Alvarado, Neighborhood Services Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. William Lilly, Director of Community and Human Development, commented.

The following members of the public commented:

1. Father Ed Gros, Sacred Heart Church
2. Mr. Osvaldo Velez, President of the Southside Neighborhood Association

1ST MOTION

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

Motion made by Representative O'Rourke, seconded by Representative Quintana, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Robinson

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ITEMS TAKEN TOGETHER:

13A.

R E S O L U T I O N

WHEREAS, on September 11, 2007, the El Paso City Council adopted a resolution that established the City's Green Building Grant Program and approved the Program Guidelines; and

WHEREAS, the Director of the Economic Development Department now recommends that the adopted Program Guidelines be amended to allow a reduction of the minimum square footage requirement for construction, renovation, or remodeling of a project building to 5,000 square feet when the Program participant will be investing over five million dollars as a total investment for the project; in all other circumstances the minimum square footage requirement for grant eligibility shall remain at 15,000 square feet.

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

That the City's Green Building Grant Program Guidelines are hereby amended, as recommended by the Director of the Economic Development Department.

13B.

R E S O L U T I O N

WHEREAS, the City of El Paso is interested in promoting the construction of sustainable multi-family housing buildings that are protective of the environment, energy efficient and safe ("Green Buildings"); and

WHEREAS, on January 6, 2006, the City Council authorized the City Manager to enter into an agreement with the El Paso Electric Company ("EPEC") to accept Palo Verde Performance Awards from EPEC to be used to pay for demand-side management programs, which could include such projects as a grant program intended to increase the number of Green Buildings in the City of El Paso; and

WHEREAS, the City of El Paso finds that the development and implementation of a grant program intended to provide for the increase in the number of sustainable multi-family housing buildings within the City of El Paso is a direct benefit to the environment, is in the best interest of the public and will benefit the City of El Paso and its citizens, and as such, constitutes an important public purpose or benefit to the City, for which the City is willing to expend resources.

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

- (1) That the City's Multi-Family Housing Green Building Grant Program is hereby established;
- (2) That the City's Multi-Family Housing Green Building Grant Program Guidelines, attached as Exhibit "A", are hereby adopted; and
- (3) That the City Manager is hereby authorized to execute any and all documents related to the establishment and operation of the City's Multi-Family Housing Green Building Grant Program, including the standard grant agreement for the Program, attached as Exhibit "B."

13C.

RESOLUTION

That the City of El Paso Incentives Policy – Guidelines & Criteria attached hereto as Exhibit “A” are adopted as the City of El Paso incentive policy for business and commercial development projects

13D.

RESOLUTION

That the City of El Paso Incentives Policy for Blighted Properties attached hereto as Exhibit “A” be approved and made immediately effective.

Representatives Byrd and Robinson commented.

Ms. Kathryn Dodson, Director of Economic Development, commented.

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

AYES: Representatives Byrd, Acosta, Robinson, Quintana, and Ortega

NAYS: Representative Holguin

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

14. ENGINEERING

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **AUTHORIZE** the City Manager to sign a Local Project Advance Funding Agreement between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the construction of canopies with lighting on two border crossings, Santa Fe Street Bridge and Stanton Street Bridge, landscaping, bus stop improvements, and fountain and gazebo construction at Lions Placita Park. The Agreement is required under the American Recovery and Reinvestment act of 2009 provisions relating to construction funding, inspection of books and records, reporting requirements and Office of Management and Budget audit requirements. No additional funding is required under this action since Council had

previously dedicated TxDOT match funding from 2006 Certificates of Obligation as the City's portion of the project funding. The funding allocation remains the same.

Mayor Cook and Representatives Byrd and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

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15. FINANCIAL SERVICES

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representative Lilly

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Robinson, and carried to **APPROVE** a proposal to develop, construct, and operate a Municipal Vehicle Storage Facility to streamline the vehicle recovery process and provide a "One-Stop Shop" for the public and that the City Manager be authorized to execute any and all documents necessary to effectuate the proposal with the following conditions: 1) modify the specifications of the current bid proposal to explore revenue sharing and stricter guidelines for towing and storage proposals; 2) develop the Valley Crest and Castner site for a City-owned Vehicle Storage Facility and 3) develop and issue proposals for a joint venture to include this site as well as other sites throughout the City. In addition, City staff is to work with the adjacent neighborhoods to build a design that is appropriate for the traffic issues.

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

NAYS: Representative Acosta

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Police Lieutenant Mark Medina, Auto Theft Task Force, commented.

The following members of the public commented:

1. Mr. Andy Dominguez, AD Wrecker Service
 2. Mr. David Leffman, representing Mr. Andy Dominguez
 3. Pastor Charles Nieman, Abundant Living Faith Center
 4. Ms. Monica Dominguez
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16. PARKS AND RECREATION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** recommendations pertaining to the General Land Office (GLO) that would require the GLO to consult with the City of El Paso prior to any land transactions within the city limits and ETJ.

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

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

Ms. Shamori Whitt, Open Space, Trails, and Parks Coordinator, commented and Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Jim Tolbert, Open Space Advisory Board, commented.

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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL - Legislative Review Committee Report

- 1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on January 28, 2010, as submitted by Representative Beto O'Rourke; and,
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:

"Discussion and action to provide direction regarding possible items for either the City's 2010 Federal Legislative Agenda or the City's 2011 State Legislative Agenda."

Representative O'Rourke commented.

NO ACTION was taken on the item.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:00 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk