

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
FEBRUARY 13, 2007  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:35 a.m. during Executive Session deliberations and Jose Alexandro Lozano at 8:41 a.m. during Executive Session deliberations. Absent: Melina Castro requested to be excused. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America led by Ms. Elvia Hernandez.

**MAYOR'S PROCLAMATIONS**

1. NATIONAL LULAC WEEK
2. EL PASO GOLDEN GLOVES WEEK
3. ASCARATE FISHING CLUB OF EL PASO COUNTY

**RECOGNITIONS**

**EMPLOYEE RECOGNITIONS**

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. Ms. Maria Corral, Municipal Court – 25 years
2. Ms. Alice Castaneda, Municipal Court – 25 years
3. Mr. Alonso Ruiz, Environmental Services – 25 years
4. Mr. Raul Espino, Environmental Services – 25 years
5. Mr. Arturo Alvarez, Environmental Services – 25 years
6. Mr. Victor Flores, Parks and Recreation – 25 years
7. Ms. Sylvia Mercado, El Paso Police Department – 30 years
8. Ms. Guadalupe Zamorano, Environmental Services – 30 years
9. Mr. James Moran, El Paso International Airport – 30 years
10. Ms. Cam Schafer, El Paso International Airport – 30 years
11. Mr. Adalberto Delgado, Street Department – 35 years
12. Mr. Lorenzo Avalos, General Services Department – 35 years
13. Lieutenant Charles Harvey, El Paso Police Department – 35 years
14. Ms. Trini Corral, El Paso Library – 35 years

**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](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. Jesus Luna
2. Ms. Gloria Terry

Mayor Cook commented.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

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

NAYS:            None

NOT PRESENT FOR THE VOTE:    Representatives Lilly and Lozano

ABSENT:        Representative Castro

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 8:58 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:    Representative O'Rourke

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**EX1.**    Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **POSTPONE** the item for one week.

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**EX2.**    Discussion and action on appointment of Special Prosecutor. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **DELETE** the item.

**CONSENT AGENDA**

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

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

NAYS: None

ABSENT: Representative Castro

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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 6, 2007, and the Special City Council Meeting of February 5, 2007 (Agenda Review).

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

\*Motion made, seconded, and carried to **EXCUSE** Representative Castro from the Regular Council Meeting of February 13, 2007.

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**3A.**

**RESOLUTION**

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

**WHEREAS**, the City of El Paso ("City") entered into a Commission Agreement with John S. Houser for the construction of a project known as the XII Travelers Memorial;

**WHEREAS**, the Twelve Travelers Memorial of the Southwest ("XII Travelers Board"), a non-profit corporation, has raised and expended over \$1.25 million dollars from various donors for the design and construction of the Equestrian as one of the XII Travelers Memorial subjects;

**WHEREAS**, the Twelve Travelers Review Committee, the Airport Advisory Board, the XII Travelers Board and the City Council of the City of El Paso all agreed to the installation of the Equestrian near the clock tower outside the El Paso International Airport Terminal as a better location for the Equestrian than the previously designated site in downtown El Paso;

**WHEREAS**, the Seventh Amendment to the Commission Agreement, which authorized the Equestrian's change in site location to the El Paso International Airport, also required a review and approval of any plaques and permanent markings placed at the base of the Equestrian by the City Council, upon the review and recommendation of the Airport staff and the Airport Advisory Board;

**WHEREAS**, pursuant to the Seventh Amendment to the Commission Agreement, the Airport staff has reviewed the donor plaques proposed by the XII Traveler's Board and recommends the approval of such proposed plaques; and

**WHEREAS**, pursuant to the Seventh Amendment to the Commission Agreement, the Airport Advisory Board has also reviewed the donor plaques proposed by the XII Traveler's Board and through a unanimous vote of those Airport Advisory Board Members present, recommended that such plaques be approved;

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

**THAT** the City of El Paso hereby approves of the donor plaques proposed for the base of the Equestrian by the Twelve Travelers Memorial of the Southwest (the "XII Traveler's Board") attached to this Resolution as Exhibit 1 as required by the Seventh Amendment to the XII Travelers Commission Agreement; and **THAT** the XII Traveler's Board is hereby authorized to pursue the completion and installation of such donor plaques on the base of the Equestrian.

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

Mr. Pat Abeln, Director of Aviation, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Lozano, seconded by Representative Lilly, and carried to **APPROVE** the Resolution with the omission of Representatives Byrd's and Holguin's names from the plaques.

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

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**3B.**

**\*RESOLUTION**

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

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 25th day of September, 2005, after due notice and hearing, ordered EDUARDO SANCHEZ and VELIA SANCHEZ, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Buildings and 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 demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Tract 11B, Block 7, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 8700 Pell Way,

to be \$24,238.57, performed by the Street Department of the City of El Paso, and \$907.60, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$25,146.17. The City Council finds that the work was completed on the 19th day of October, 2006, 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 TWENTY-FIVE THOUSAND ONE HUNDRED FORTY-SIX AND 17/100 DOLLARS (\$25,146.17) 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**

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

**THAT** the City Manager be authorized to sign a contract with the El Paso Hispanic Chamber of Commerce for \$90,000.00 for Fiscal Year 2007, for Small Business Technical Assistance (\$66,000.00) and Revolving Loan Fund Administration (\$24,000.00).

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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3D.

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Victor Venegas to employ Victor Venegas as an Economic Development Marketing and Outreach Coordinator for the Economic Development Department at a biweekly rate of \$1,923.08. The term of the contract shall be for the period of February 14, 2007, through February 13, 2008.

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**3E. RESOLUTION**

That the City Manager is authorized to sign a Lease Agreement between the City of El Paso and the El Paso Center for Mental Health and Mental Retardation Services, El Paso, Texas, for a parcel of City land being Lots 23-32, Block 135, East El Paso Addition, City of El Paso, El Paso County, Texas, and commonly known as 3410 Morenci Street, El Paso, Texas.

Representative Byrd commented.

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

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **POSTPONE** the item for one week.

3F.

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Edward J. Ozogar to employ Edward J. Ozogar as a PC LAN Specialist III for the Information Technology Department at a biweekly rate of \$1,961.53. The term of the contract shall be for the period of February 18, 2007, through February 17, 2008.

3G.

**\*RESOLUTION**

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Isaura Valdez to employ Isaura Valdez as a Financial and Benefits Systems Administrator for the Office of Management and Budget at a biweekly rate of \$2,307.70. The term of the contract shall be for the period of February 28, 2007, through February 27, 2009.

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

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

Mr. Richard Schechter, citizen, commented.

**4. SPECIAL APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **CONFIRM** the appointment of R. Alan Shubert as City Engineer effective February 13, 2007.

**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Russell C. Smith to the Brownfields Redevelopment Board by Mayor John Cook.

**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Roxanne Varela to the Cultural Affairs Advisory Board by Representative Melina Castro, District 4.

**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Richard Anthony Cordova to the Zoning Board of Adjustment by Mayor John Cook.

**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Tony Payan to the Committee on Border Relations by Representative Steve Ortega, District 7.

**6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to issue a Purchase Order to Intergraph Corporation, the sole source provider, for maintenance services of the City's ILEADS software. This software is the records management software used by the Police Department to manage police records.

Department: Information Technologies  
Award Amount: \$110,056.90  
Account No.: 39010351 – 01101 - 502202  
Funding Source: Information Technologies, Operating Account, Data Processing Services  
Sole Source No.: 2007-075

Representative Steve Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Director of Purchasing
3. Ms. Richarda Momsen, Municipal Clerk

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**7. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-070 (Janitorial Service-Central Police Regional Command Center and Police Headquarters).

Department: General Services, Building Maintenance Division  
Award to: The Eagle Janitorial Services  
El Paso, TX  
Item(s): 1 and 2  
Option: 2 years; one year at a time  
Annual Estimated Amount: \$98,125.56  
Account No.: 31010325 – 01101 - 502206  
Funding Source: Operating Account Janitorial Contracts  
Total Estimated Award: \$294,376.68

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

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

Mayor Cook and Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Director, commented.

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**8A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007--043 (Pot Hole Patch Truck) with Border International Trucks for a total award of \$231,822.00.

Department: Streets  
Item(s): #1 and options 0-3, 0-4, 0-8, 0-9, 0-10

Qty. 2 @ \$115,911.00 each  
Account No.: 508006 – 14200500 – 27264 - PSTM06 - PW555  
Funding Source: Capital Outlay for Vehicular Equipment  
Total Award: \$231,822.00

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**8B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-055 (221 Zaragosa Access Road Improvements).

Department: Streets  
Award to: J.A.R. Concrete, Inc.  
El Paso, Texas  
Base Bid I: \$189,138.00  
Base Bid II: \$ 70,970.00  
Base Bid III: \$ 75,670.00  
Total Estimated Award: \$335,778.00  
Account No. G7128CD0048 – 71150069 – 07785 - 508027  
Funding Source: Community Development Block Grant

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

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

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

This is a low bid, unit-price contract.

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

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**8C. BID**

Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-061 (Automatic Transmission Fluid).

Department: General Services-Fleet Division  
Award to: Vendor 1 Big Bear Oil Company, Inc.  
El Paso, Texas  
Item(s): 2A, 3A, 4A, and 5A  
Annual Estimated Amount: \$50,000.00

Award to: Vendor 2 Stewart & Stevenson, LLC  
El Paso, Texas  
Item(s): 1A and 1B

Annual Estimated Amount: \$50,000.00

Account No.: 37370510 – 503121 - 45202

Funding Source: General Services-Fleet Division Internal Service Fund

Total Estimated Award: \$300,000.00

This is a requirements type contract with an initial term of thirty-six (36) months.

Vendor 1: Offers the City a prompt payment discount of 1% 10 days.

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

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**9A. – 9C. INTRODUCTIONS**

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

- A. An Ordinance granting Special Permit No. ZON06-00127 to allow for an infill development on the property described as Lots 21-30, Block 103, Supplemental Map No. 1 of East El Paso, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: South of Bisbee Avenue and West of San Marcial Street. Applicant: Miguel Andrade Jr. ZON06-00127 (District 8)  
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- B. An Ordinance changing the zoning of a Portion of Tract 210, South Parkland Addition, City of El Paso, El Paso County, Texas, from C-2/SC (Commercial/Special Contract) to R-5/SC (Residential/Special Contract) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Transmountain and Cross Street. Applicant: Carefree Homes, L.P. ZON06-00143. (District 4)  
[Development Services/Planning, Arlan Greer, (915) 541-4322]
- C. An Ordinance granting Special Permit No. ZON06-00144 to allow for a planned residential development on a Portion of Tract 210, South Parkland, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Transmountain and Cross Street. Applicant: Carefree Homes, L.P. ZON06-00144 (District 4)  
[Development Services/Planning, Arlan Greer, (915) 541-4322]

PUBLIC HEARING WILL BE HELD ON MARCH 6, 2007, FOR ITEMS A - C

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**10A. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of a portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1366 Lomaland. Applicant: BMCW South Central, L.P. ZON06-00153

Motion made by Representative O'Rourke, seconded by Representative Holguin, and unanimously carried to **POSTPONE** the item for one week.

10B.

**ORDINANCE 16554**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 27 AND 28, AND A PORTION OF LOTS 25, 26, AND 29, CINECUE PARK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Steve Ortega, O'Rourke, Holguin, and Lozano commented.

Mr. Charlie McNabb, City Attorney, gave legal advice and Ms. Kelly Carpenter, Planning Director, commented.

Mr. David Palomino Diaz, Pastor of Apostolic Assembly of the Faith in Christ Jesus Church, commented.

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

- AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Castro

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

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**10C. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of Tracts 10, 102, 103, 104, 105, 106, 107, 108, 109, 1P1, 1P3, 1Q, 1Q2, 1Q3, 1Q4, 1Q5, 1Q6, 1D1, 1D1A, 1D1B, 1D1C, 1D1E, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Gomez Road and West of Upper Valley Road. Applicant: UV Developers, LTD. ZON06-00126

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **POSTPONE** the item for four weeks.

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10D.

**ORDINANCE 16555**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE KERN PLACE MERCHANTS ASSOCIATION TO TEMPORARILY CLOSE PORTIONS OF CINCINNATI AVENUE AND BALTIMORE AVENUE FROM FEBRUARY 20, 2007, THROUGH FEBRUARY 21, 2007, FOR A "BOURBON STREET ON CINCINNATI STREET FESTIVAL".**

Motion duly made by Representative Lilly, 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, Presi Ortega, Jr., Holguin, and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Lozano and Steve Ortega

ABSENT: Representative Castro

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

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**10E.**

**ORDINANCE 16556**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE NEW OLD PLANTATION TO TEMPORARILY CLOSE A PORTION OF OCHOA STREET FROM FEBRUARY 20, 2007, THROUGH FEBRUARY 21, 2007, FOR A "MARDI GRAS PARTY"**.

Motion duly made by Representative O'Rourke, 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, Presi Ortega, Jr., Holguin, and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Lozano and Steve Ortega
- ABSENT: Representative Castro

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

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**11A.**

**ORDINANCE 16557**

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 TO ADD A NEW LOCATION ON FIREHOUSE DRIVE FROM MONTWOOD DRIVE TO A POINT 242 FEET SOUTH, WEST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, 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, Presi Ortega, Jr., Holguin, and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Lozano and Steve Ortega
- ABSENT: Representative Castro

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

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**11B. PUBLIC HEARING - ENGINEERING**

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection O (Speed Limits on Parts of Doniphan Drive (S.H. 20) and Mesa Street (S.H. 20 and U.S.B.R. 80), of the El Paso City Code to amend the speed limit on Mesa Street. The penalty is as provided in Section 12.84.010 of the El Paso City Code.

Mayor Cook and Representatives Steve Ortega and Lilly commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Richard Schecter and Ms. Lisa Turner, citizens, commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF COUNCIL** and allow Ms. Lisa Turner to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Lozano

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Lilly, seconded by Steve Ortega, and unanimously carried to **POSTPONE** the item for two weeks.

NOT PRESENT FOR THE VOTE: Representative Lozano

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**11C.**

**ORDINANCE 16558**

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), SUBSECTION A, OF THE EL PASO CITY CODE BY ADDING A NEW LOCATION ON CAMPBELL STREET BETWEEN ARIZONA AVENUE AND NEVADA AVENUE, WEST SIDE. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 OF THE EL PASO CITY CODE.**

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

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

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**12.**

**ORDINANCE 16559**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL A PORTION OF LOTS 10, 11, 16, 17, 34, AND 35, BLOCK 12, SUNSET HEIGHTS, SECOND REVISED MAP, EL PASO, EL PASO COUNTY, TEXAS, TO DON LUCIANO.**

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, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None

ABSENT: Representative Castro

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

.....  
13.

**ORDINANCE 16560**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING AND RESTATING THE LEASE AGREEMENT (THE "AGREEMENT") ENTERED INTO AS OF THE EFFECTIVE DATE BY AND BETWEEN THE CITY OF EL PASO, TEXAS, A MUNICIPAL CORPORATION (HEREINAFTER "CITY"), AND THE EL PASO INDEPENDENT SCHOOL DISTRICT (HEREINAFTER "LESSEE").**

Representative Steve Ortega commented.

Dr. Norman Merrifield, Director of Parks and Recreation, commented.

Motion duly made by Representative Lozano, 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, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Castro

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

.....  
14.

**RESOLUTION**

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

That the City Manager be authorized to sign a 2007 Affiliate Event Agreement by and between the City of El Paso and The Texas Round-Up, Inc. to allow the El Paso Ciclo Via to be recognized as an official Affiliate Event of the 2007 Texas Round-Up and for the City of El Paso to actively promote the Governor's Challenge Program.

Mayor Cook and Representatives O'Rourke and Steve Ortega commented.

Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice.

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

NOT PRESENT FOR THE VOTE: Representative Holguin  
.....

14B.

**RESOLUTION**

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

**WHEREAS**, The Texas Alcoholic Beverage Commission ("TABC") is the governmental entity responsible for the issuance and renewal of liquor licenses; and

**WHEREAS**, the Hurricane Bar, d/b/a Hurricane Bar & Grill Nightclub, 1475 George Dieter, Ste. PQ, El Paso ,TX 79936 is an establishment operating with a liquor license issued by TABC since 2004; and

**WHEREAS** the Hurricane Bar & Grill Nightclub is within close proximity to residences;

**WHEREAS**, within the past year, there have been numerous complaints about behavior and conduct on the Hurricane Bar & Grill Nightclub's premises, thereby causing neighboring residents to complain to City authorities; and

**WHEREAS**, local law enforcement have responded on several occasions to the Hurricane Bar & Grill Nightclub's premises; and

**WHEREAS**, whereas the City is responsible for ensuring the health, safety and welfare of its residents; and

**WHEREAS** renewal of the Hurricane Bar & Grill Nightclub's liquor license is not in the best interests of the citizens of the El Paso community;

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

That the El Paso City Council does respectfully request the Texas Alcoholic Beverage Commission to not renew the Hurricane Bar & Grill Nightclub's liquor license or otherwise approve their application for the same.

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

Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

Mr. Sid Searcy, Las Palmas Neighborhood Association, commented.

**1<sup>ST</sup> MOTION**

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

**2<sup>ND</sup> AND FINAL MOTION**

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

**15. BUDGET TRANSFER**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **APPROVE** budget transfer BT2007-556, Environmental Services. This budget transfer requests

an appropriation increase to fund future major construction projects as follows: \$8 million for the closure of the old Clint cells 1 & 2; \$5 million for the new Northeast MSC building; and \$1 million to complete the renovation of the El Paso Dr. facility.

Representatives Byrd and Holguin commented.

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

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

.....  
**16. DEVELOPMENT AND INFRASTRUCTURE SERVICES**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **APPROVE** Council Ratification of the following professional services contracts. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

Contracts

Design

Contract with ESSCO International for work on the Canterbury Drainage Channel Rehabilitation project for a total amount not to exceed \$200,000.00.

Construction

Baltimore Street / Glory Road Storm Sewer reroute awarded to JAR Concrete, Inc. in the amount of \$1,580,478.00.

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

Ms. Joyce Wilson, City Manager, and Ms. Irene Ramirez, Assistant City Engineer, commented.

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**17. ECONOMIC DEVELOPMENT**

Discussion and action regarding the granting of economic development incentives to AT&T by the City of El Paso.

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

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

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

Ms. Rose Linan, Senior Director of Business Recruitment of REDCo, commented.

Mr. Glen Sirles, Vice President of AT & T Broadband Internet Services, and Mr. David Garcia, AT & T General Manager of External Affairs, commented.

The following members of the public commented:

- 1. Mr. Sid Searcy, AT & T Union Leader
- 2. Mr. Richard Dayoub, President of the Greater El Paso Chamber of Commerce
- 3. Mr. Bob Cook, President of REDCo
- 4. Mr. Lucio Glenn, El Paso Hispanic Chamber of Commerce
- 5. Mr. Richard Schechter

**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE THE ITEM TO THE FOREFRONT.**

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **APPROVE** the item with an additional incentive if AT & T locates downtown: 10 year, 100% 380 agreement and any additional incentives.

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**18.**

**R E S O L U T I O N**

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

That the following salaries of the elected Judges in the City shall be set in the following amounts, effective on February 18, 2007:

El Paso Municipal Court Presiding Judge Regina Arditti: \$47,864

El Paso Municipal Court Judges David Bonilla, Max Munoz, Daniel Robledo, Maria Ramirez: \$39,884

El Paso Municipal Court of Appeals Judge Odell Holmes: \$39,884

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Richarda Duffy Momsen, Municipal Clerk

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **APPROVE** the Resolution.

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**19A. CITY MANAGER**

City Manager's report of current events and issues:

CCLP Initiative: Design Competition - El Paso/Juarez Bi-National Culture District.

Ms. Yolanda Alameda, Director of Museums and Cultural Affairs, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Steve Ortega commented.

The following Committee Members committed:

1. Dr. Julie Wong, UTEP Dean of Students
2. Mr. Michael Tomor, Director of Museum of Art
3. Mr. Edward McCormick

**NO ACTION WAS TAKEN** on the item.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **RECESS** the City Council Meeting at 12:03 p.m. in order to convene the Mass Transit Department Board Meeting.

.....  
Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 12:14 p.m.

.....  
Motion made by Representative , seconded by Representative , and unanimously carried to **APPROVE**

.....  
Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 12:30 p.m.

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 12:38 p.m.

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**19B. CITY MANAGER**

City Manager's report of current events and issues:

Briefing on Recommendations to Resolve Police/Firemen Pension Unfunded Liability.

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

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

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

The following members of the public commented:

1. Commander Bob Feidner
2. Mr. Joe Telles, President of El Paso Association of Firefighters
3. Mr. Tony Portillo, El Paso Police Officers Association
4. Ms. Lisa Turner
5. Mr. Richard Schecter
6. Mr. Porfillo Tejeda

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Richard Schecter an additional two minutes to speak.

**NO ACTION, OTHER THAN THE TWO PROCEDURAL MOTIONS, WAS TAKEN** on the item.

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**19C. CITY MANAGER**

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

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

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:37 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk