

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 15, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Rachel Quintana at 8:39 a.m. during Executive Session deliberations, and Beto O'Rourke at 8:40 a.m. during Executive Session deliberations. The invocation was given by Police, Fire, and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. NATIONAL LULAC WEEK
2. NATIONAL TRIO DAY

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. William F. Hart, Jr.
2. Mr. Jerry Thiedt
3. Ms. Lisa Turner
4. Mr. Manny Hinojosa
5. Mr. Raul Castaneda

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:38 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
Section 551.072
Section 551.073

CONSULTATION WITH ATTORNEY
DELIBERATION REGARDING REAL PROPERTY
DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074
Section 551.076
Section 551.087

PERSONNEL MATTERS
DELIBERATION REGARDING SECURITY DEVICES
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 O'Rourke

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to adjourn the Executive Session at 9:12 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Ortega

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EX1. Investigation into power outages in El Paso Electric's service area before the Public Utility Commission of Texas, PUC Docket No. 39134. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to grant the authority to the City Attorney to file a Motion in Intervention on behalf of the City regarding the Investigation into Power Outages in El Paso Electric's service area before the Public Utility Commission of Texas, PUC Docket No. 39134 and to engage outside counsel to represent the City on this matter.

Ms. Denise Thompson, citizen, commented.

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EX2. Claim of Carole Feuerman; Our File No. 11-C-026 (551.071)

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **POSTPONE** one week the Claim of Carole Feuerman; Our File No. 11-C-026.

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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 8, 2011 and the Corrected Minutes for the Regular City Council Meeting of February 1, 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**

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 19th day of May, 2010, after due notice and hearing, issued an order to PETRA S. GALLEG0, record Owner of the hereinafter described property that the structure be demolished and within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner 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 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 the demolishing of the structure and within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 31, Block O, of Moeller's Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3002 East San Antonio Avenue, El Paso, Texas.

to be \$22,402.73, performed by the Street Department of the City of El Paso, and \$1,358.08, performed by the City Clerk's Office and Development Services Department, making a total of \$23,760.81. The City Council finds that the work was completed on the 20th day of November, 2010, 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-THREE THOUSAND SEVEN HUNDRED SIXTY AND 81/00 DOLLARS (\$23,760.81) 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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3B.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that Operation Border Security FY11 be operated during the 2011 year; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Operation Border Security FY11 project to the Office of the Governor, Criminal Justice Division.

2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$200,000.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department to reduce crime in the border

community to ultimately improve the quality of life for the residents in the City of El Paso.

3. No cash match required.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

Representative Ortega commented.

Police Commander Zina Silva commented.

Mr. Jerry Thiedt, citizen, commented.

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.

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3C.

***RESOLUTION**

WHEREAS, Texas Local Government Code Section 272.001(a) requires a municipality selling or conveying land to sell or convey such land at fair market value, which must be determined by either an appraisal or the price obtained at public auction, with certain exceptions provided; and,

WHEREAS, Texas Local Government Code Section 272.001(b)-(j) contains exceptions that would not require the municipality to determine the fair market value in the manner specified above, one of which is land sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed; and

WHEREAS, the state statute allows the City to establish an alternate method of determining the fair market value for land being sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed and the City wishes to establish an alternative method; and,

WHEREAS, the El Paso City Council finds that establishing an alternate method of appraisal for a public street, alley or easement that is no longer needed as a public street, alley or easement; will allow the City the opportunity to remove such excess portions from City responsibility for maintenance, management, and control; and,

WHEREAS, the El Paso City Council further finds that the sale or conveyance of land dedicated to the city as a public street, alley or easement, which is no longer needed as a public street, alley or easement, will permit an abutting property owner to maintain and improve the land, will allow the excess portions of such streets, alleys and public easements vacated to be placed back onto the tax rolls and will additionally decrease costs to the city by no longer having to maintain the excess portions of the public street, alley or easement.

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

THAT, the City Council of the City of El Paso, hereby adopts this alternative method for determining the fair market value for the sale or conveyance of land dedicated to the City as a public street, alley, or easement:

1. The City will use available comparables in the area to determine the fair market value for land or interest conveyed or sold provided that the following criteria are met:

- a. The land or interest to be sold or conveyed was dedicated as a public street, public alley or public easement; and,
 - b. The sale or conveyance must be to the abutting property owner and the abutting property owner must own the underlying fee simple to the land being sold or conveyed; and,
 - c. City Council must make a finding that the land or interest is no longer needed as a public street, public alley or public easement; and,
 - d. If the full width of the public street, alley or easement is to be vacated, then the abutting property owners on both sides of the public street, alley or easement must agree to the vacation.
2. The City may initiate the vacation of the public street, alley or easement, via plat or separate instrument, where the City determines there are multiple encroachments into the public street, alley or easement so as to create a lack of conformity within neighborhoods and between lots. The City finds that there is public purpose for initiating the vacations in order to rectify the existing conditions of the meandering lot lines to clearly distinguish and reflect the lot lines of private property owners from any existing the public street, alley or easement and so that a uniform solution can be provided.

Representative Byrd commented.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

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4. FINANCIAL SERVICES

*Motion made, seconded, and carried to **AUTHORIZE** the Mayor to sign an Interlocal Agreement between the City of El Paso (“El Paso”) and the Town of Horizon City (“Horizon City”) to allow the City of El Paso to sell Horizon City’s surplus vehicles through El Paso’s auctioning process.

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5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ira L. Barbe to the Building and Standards Commission by Representative Susie Byrd, District 2.

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5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Eileen Karlsruher to the Civil Service Commission by Representative Beto O’Rourke, District 8.

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5C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried for the Notification of the **RE-APPOINTMENT** of William Studer to the Fire and Police Pension Fund Board of Trustees by City Manager Joyce Wilson.

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5D. BOARD RE-APPOINTMENT

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

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5E. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Matt Bohannon to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1.

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5F. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ben Bohannon to the Building and Standards Commission by Representative Ann Morgan Lilly, District 1.

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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Andrew Haggerty to the Building and Standards Commission by Representative Carl L. Robinson, District 4.

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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jesse Sanchez to the Building and Standards Commission by Representative Rachel Quintana, District 5.

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6C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Charles L. Hurst to the Construction Board of Appeals by Mayor John F. Cook.

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6D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried for the Notification of the **APPOINTMENT** of Carmen Arrieta-Candelaria to the Fire and Police Pension Fund Board of Trustees by Mayor John Cook.

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7. APPLICATIONS FOR TAX REFUNDS

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

- A. Hollywood Entertainment in the amount of \$2,908.69 overpayment of 2010 taxes. (PID #I996-999-0549-0042).
- B. John W. Walters in the amount of \$3,592.91 overpayment of 2009 taxes. (PID #C231-999-0300-0500).
- C. Thomas W. Conner III, D.D.S., in the amount of \$14,563.12 overpayment of 2010 taxes. (PID #C340-999-1230-5535).
- D. L.S.I. Title Agency, Inc., in the amount of \$3,180.32 overpayment of 2010 taxes. (PID #C742-999-0010-0600).
- E. Bank of America in the amount of \$11,235.21 overpayment of 2010 taxes. (PID #C801-999-0050-1350).

- F. Network National Title in the amount of \$4,298.12 overpayment of 2010 taxes. (PID #D417-000-0110-3900).
- G. Lyric Healthcare Holdings III, Inc., in the amount of \$7,240.50 overpayment of 2010 taxes. (PID #E014-999-0470-4600).
- H. Chase Home Finance in the amount of \$2,979.31 overpayment of 2010 taxes. (PID #E054-999-0270-2300).
- I. Lonestar Title Company of El Paso, Inc., in the amount of \$4,047.14 overpayment of 2010 taxes. (PID #E077-000-0010-2300).
- J. Sierra Title Company, Inc., in the amount of \$3,945.52 overpayment of 2009 taxes. (PID #H771-000-0110-3500).
- K. L.S.I. Title Agency, Inc., in the amount of \$3,285.13 overpayment of 2010 taxes. (PID #L478-999-0100-3600).
- L. Rocky Mountain Mortgage Company in the amount of \$2,516.57 overpayment of 2010 taxes. (PID #M348-999-0010-1570).
- M. Network National Title in the amount of \$4,007.00 overpayment of 2010 taxes. (PID #M403-999-0700-0300).
- N. Network National Title in the amount of \$3,956.87 overpayment of 2010 taxes. (PID #M403-999-0030-3200).
- O. Network National Title in the amount of \$2,647.80 overpayment of 2010 taxes. (PID #M425-999-0300-2700).
- P. GECU Mortgage in the amount of \$4,946.92 overpayment of 2010 taxes. (PID #M576-999-0210-9200).
- Q. Deborah Adrian in the amount of \$4,865.29 overpayment of 2010 taxes. (PID #M806-999-0030-4100).
- R. Eunice P. Torres in the amount of \$2,385.61 overpayment of 2010 taxes. (PID #N471-999-0030-3100).
- S. Andre E. Brown in the amount of \$3,466.11 overpayment of 2010 taxes. (PID #P585-000-0070-0500).
- T. Network National Title in the amount of \$3,546.94 overpayment of 2010 taxes. (PID #P586-999-0160-0800).
- U. Network National Title in the amount of \$4,441.61 overpayment of 2010 taxes. (PID #P586-999-0030-1700).
- V. JMC Title Agency in the amount of \$6,327.32 overpayment of 2010 taxes. (PID #R246-999-0180-1700).

- W. Network National Title in the amount of \$4,914.81 overpayment of 2010 taxes. (PID #S137-999-0010-5200).
- X. Eduardo Castorena in the amount of \$2,675.53 overpayment of 2010 taxes. (PID #S225-999-0060-3300).
- Y. Rio Bravo Title, LLC in the amount of \$2,586.39 overpayment of 2010 taxes. (PID #S812-999-0520-1200).
- Z. Network National Title in the amount of \$4,026.42 overpayment of 2010 taxes. (PID #T287-999-1220-8950).
- AA. Confidential Investments, LP in the amount of \$6,124.56 overpayment of 2010 taxes. (PID #V892-999-0010-0100).
- BB. Confidential Investments, LP in the amount of \$7,102.26 overpayment of 2010 taxes. (PID #V892-999-0010-0125).
- CC. Hisco, Inc. in the amount of \$18,261.25 overpayment of 2010 taxes. (PID #V893-999-2900-1600).
- DD. QSR Burgers, LLC in the amount of \$9,743.52 overpayment of 2010 taxes. (PID #V893-999-2320-2325).
- EE. Sean E. Gardner in the amount of \$2,820.42 overpayment of 2010 taxes. (PID #W145-999-0750-6200).
- FF. Ysleta del Sur Pueblo in the amount of \$2,575.71 overpayment of 2010 taxes. (PID #Y805-999-0490-1101).

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8. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue Purchase Order to Oracle America Inc., a contractor under Department of Information Resources (DIR) No. DIR-VPC-03-018 for license updates and technical support and service for various software components through August 31, 2011. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing. The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award

Department:	Information Technology
Award to:	Oracle America Inc Redwood Shores, CA
Total Estimated Award:	\$115,598.84
Funding Source:	Data Processing Services/General Funds
Reference No.:	2011-174

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The City Council Meeting was **RECESSED** at 9:49 a.m. in order to convene the Special City Council Meeting.

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The City Council Meeting was **RECONVENED** at 10:17 a.m.
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9A.

ORDINANCE 17498

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00043, TO PERMIT INFILL DEVELOPMENT, ON THE PROPERTY DESCRIBED AS TRACT 33, PAVO REAL SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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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9B.

ORDINANCE 17499

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DELETE SOUTHWESTERN DRIVE, NORTHWESTERN DRIVE, AND AN UNNAMED EAST-WEST COLLECTOR ARTERIAL AS COLLECTOR ARTERIALS NORTH OF REDD ROAD, SOUTH OF HELEN OF TROY DRIVE, AND EAST OF INTERSTATE HIGHWAY 10.**

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

Representative Byrd commented.

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, 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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TAKEN WITH ITEM 11B

9C. PUBLIC HEARING – PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of Lot 2, Block 6, Castner Range Unit One, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 4. Mr. Daryl Cole, Director of Transportation

The following members of the public commented:

- 1. Mr. Tommy Lewis, representing applicant
- 2. Ms. Linda Troncoso, Gray-Jansing & Associates, Inc., representing applicant

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10A.

ORDINANCE 17500

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND SADIE LEILANI SANCHEZ WHICH WILL ALLOW THE CITY TO CONVEY LOT 16, BLOCK 17, SUN RIDGE SUBDIVISION UNIT FIVE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS TO SADIE LEILANI SANCHEZ.**

Motion duly made by Representative Quintana, 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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10B.

ORDINANCE 17501

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND VIANEY ESTRELLA RAMIREZ WHICH WILL ALLOW THE CITY TO CONVEY LOT 24, BLOCK 135, TIERRA DEL ESTE UNIT THIRTY FOUR ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS TO VIANEY ESTRELLA RAMIREZ.**

Motion duly made by Representative Quintana, 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

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Brock & Bustillos, Inc., a Texas Corporation, for a project known as "Butterfield Trail Industrial Park – Street & Landscaping Improvements" for an amount not to exceed eight hundred twenty thousand eight hundred forty seven and 60/100 Dollars (\$820,847.60) and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed eight hundred seventy thousand eight hundred forty seven and 60/100 Dollars (\$870,847.60).

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

Representatives Robinson and Ortega commented.

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

NOT PRESENT FOR THE VOTE: Representative Lilly

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TAKEN WITH ITEM 9C

11B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign a Developer's Participation Agreement between the City of El Paso and Northeast 58 THB/IT, LLC for the construction of a roadway bridge over the Northgate Outlet Channel and right-of-way improvements on Stahala Drive, in accordance with Local Government Code Section 212.071. There is no cost to the City.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
4. Mr. Daryl Cole, Director of Transportation

The following members of the public commented:

- 1. Mr. Tommy Lewis, representing applicant
- 2. Ms. Linda Troncoso, Gray-Jansing & Associates, Inc., representing applicant

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TAKEN WITH ITEM 12A

11C.

R E S O L U T I O N

WHEREAS, the City Council adopted the Budget Resolution for FY2011 on August 24, 2010; and

WHEREAS, paragraph 44 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the Council finds that it serves a valid municipal purpose to temporarily change the minimum processing fee for permits for plumbing repairs in an effort to assist the citizens of El Paso who were adversely impacted by the winter storm of February 2, 2011.

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

That Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended to provide that, for a period of 90 days from the adoption of this resolution, the minimum processing fee for permits for plumbing repairs for duplexes and single family homes, shall be zero.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Richard Schecter

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

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TAKEN WITH ITEM 11C

12A. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **WAIVE** the process and permit fee, for a period of 90 days, with anything related to plumbing repairs due to weather crisis, for duplexes and single family homes.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Richard Schechter

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12B. MAYOR AND COUNCIL

1st MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, to **APPROVE** the creation of a three person citizen utility review commission and to include review of communications to the public during emergencies. **THE MOTION FAILED.**

AYES: Representatives Lilly, Byrd, Acosta, and Ortega

NAYS: Mayor Cook and Representatives Robinson, Quintana, Holguin, and O'Rourke

Mayor Cook broke the tie, voting nay.

2nd AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Robinson, and unanimously carried that when the results of the other hearings and investigations are concluded, the Mayor will call for Special City Council meetings or public hearings, on the utility issue topics, at a time accessible to the public, inviting the public and the utility representatives to review the findings.

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

Ms. Joyce Wilson, City Manager, commented and Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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12C. MAYOR AND COUNCIL

1st MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

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

2ND MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** the Executive Session at 9:12 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Quintana and Ortega

3RD AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **DELETE** the item to direct the City Manager to amend Title 20 to allow static digital monument signs at schools, to include amending the governmental exemption or sign requirements in residential zones as necessary.

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ITEMS TAKEN TOGETHER

13A.

RESOLUTION

That the City Manager be authorized to sign a lease between Paso del Norte Investment Property, L.P. and the City of El Paso for the El Paso Fire Department's administrative use at 425 N. Kansas, El Paso, Texas, for a term of sixty months in an increasing annual rental amount set to begin at TWO HUNDRED THIRTY THOUSAND NINE HUNDRED FORTY AND NO/100 (\$230,940.00).

13B.

RESOLUTION

That the City Manager be authorized to sign a lease between the City of El Paso and Southwest Hyundai, L.P, for a portion of the property located at 8600 Montana, El Paso, Texas, for an initial term of five (5) years with two automatic renewal terms of an additional five (5) years each in an increasing annual rental amount set to begin at TWO HUNDRED THIRTY THOUSAND NINE HUNDRED FORTY AND NO/100 (\$230,940.00).

Mayor Cook and Representatives Acosta and Robinson commented

Ms. Joyce Wilson, City Manager and Ms. Liza Ramirez-Tobias, Financial Services Capital Assets Manager, commented.

The following members of the public commented:

- 1. Ms. Lisa Turner
- 2. Mr. Richard Schecter

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

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

NAYS: None

ABSTAIN: Representative Robinson

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

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14A.

RESOLUTION

WHEREAS, the Planning and Economic Development Department of the City has frequent requirements for economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessment services; and

WHEREAS, the City has determined that the University of Texas at El Paso ("UTEP"), through its Institute for Policy and Economic Development ("IPED"), is qualified to provide such assessments, training and services; and

WHEREAS, UTEP is willing to provide such assessments, training and services to the City;

WHEREAS, the Texas Interlocal Cooperation Act of the Texas Government Code, §§791.001, *et seq.*, allows local governments and political subdivisions of the state to contract among each other for governmental functions and services; and

WHEREAS, it is the intent of the City and UTEP that they enter into an Interlocal Agreement to provide for such assessments, training and services.

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

THAT the Mayor be authorized to sign an Interlocal Agreement with the University of Texas at El Paso ("UTEP") under which the Institute for Policy and Economic Development ("IPED") of UTEP shall provide economic-impact assessments, briefing and training to City staff, and other technology-based economic development assessments services, all as requested by the Planning and Economic Development Department of the City. The Agreement shall be for a term of one (1) year with a maximum cost to the City of \$30,000 for the term.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana, Holguin, and O'Rourke

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14B.

RESOLUTION

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

That the City Council approve amendments to the "City of El Paso Incentives Policy for Blighted Properties," as recommended by the Director of the Planning and Economic Development Department, with the amended policy being attached hereto as Exhibit "A".

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

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

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

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14C. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to overturn the decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC11-00002; 3200 Copper Avenue, El Paso, Texas on January 10, 2011, and to start the process over again.

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

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior Assistant City Attorney, gave legal advice.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:29 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin and O'Rourke
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk