

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 19, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 8:44 a.m. during Executive Session deliberations. Absent: Melina Castro requested to be excused. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. TEXAS COUNCIL OF DELIBERATION AND TEXAS COUNCIL OF ASSEMBLIES WEEKEND**
- 2. AUSTIN HIGH SCHOOL VARSITY FOOTBALL DAY**
- 3. NATIONAL TRIO WEEK**
- 4. NATIONAL ENGINEERS WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Dion Dorado
2. Mr. Jesus Luna
3. Mr. Jorge Artalejo

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** in order to allow Mr. Jesus Luna an additional two minutes to address Council.

Motion made by Representative O'Rourke, 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: Representative Holguin

ABSENT: Representative Castro

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:11 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Castro

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EX1. Discussion and action regarding litigation issues related to the El Paso Empowerment Zone Corporation.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City of El Paso authorizes the City Attorney to **TAKE ANY AND ALL ACTION** to protect the City's interest and position both affirmative and defensive, as necessary, including utilization of any and all appropriate legal remedies, for enforcement and pursuit of all claims for damages arising out of the obligations contractual or otherwise of the El Paso Empowerment Zone Corporation, its officers, directors, and agents, under that certain agreement, dated October 12, 1999, by and between the City of El Paso and the El Paso Empowerment Zone Corporation, styled "Memorandum of Agreement", and amendments thereto.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, claims, complaints, and any other administrative or judicial proceeding or process, in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter and the City Attorney or his designee and/or outside Counsel to execute any necessary documents to effectuate that authority.

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

NAYS: None

ABSENT: Representative Castro

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EX2. Claim of Juan E. Cisneros, Our File No. 08-C-020.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City of El Paso **SETTLE** the claim of Juan E. Cisneros, Our File No. 08-C-020, as recommended by outside counsel, and that outside counsel be authorized to sign all documents to resolve the claim.

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

NAYS: None

ABSENT: Representative Castro

EX3. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco.

Mayor Cook and Representatives O'Rourke and Quintana commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

The following members of the public commented:

- 1. Dr. Richard Teschner
- 2. Ms. Summer Luciano
- 3. Ms. Mariana Chew
- 4. Mr. E. Anthony Martinez

1ST MOTION

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:48 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071, Consultation with Attorney.

2ND MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 1:12 p.m. and **RECONVENE** the meeting of the City Council, during which time a motion was made.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that the City of El Paso authorizes the City Attorney's Office and outside counsel for the City of El Paso to **APPEAL** the Texas Commission on Environmental Quality's recent decision regarding the renewal of ASARCO's Air Quality Permit No. 20345 and to take other necessary actions to protect the City's interests in relation to such permit as directed by the City Attorney's Office.

- AYES: Representatives Lilly, Byrd, Holguin, Ortega, and O'Rourke
- NAYS: None
- ABSTAIN: Representative Quintana
- ABSENT: Representative Castro

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EX4. Discussion and action on properties located at 807 S. Ochoa and 4031 Fort Blvd.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all necessary documents to resolve the claim regarding the properties located at 807 South Ochoa and 4031 Fort Boulevard, claim number 08-C-007.

- AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega, and O'Rourke
 - NAYS: None
 - ABSENT: Representative Castro
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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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 Byrd, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Lilly

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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 12, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Melina Castro from the Regular City Council Meeting of February 19, 2008.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and ExpressJet Airlines, Inc. in substantially the same form as attached hereto, for the purpose of extending the term to August 31, 2009 and amending Exhibits B-1 and B-2.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Frontier Airlines, Inc. in substantially the same form as attached hereto, for the purpose of extending the term to August 31, 2009 and replacing Exhibits A, B-1 and B-2.

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3C.

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week a Resolution approving a detailed site development plan for a portion of Lot 18, Block 2, Montwood Heights Unit Four, El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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3D.

***RESOLUTION**

That the City Manager be authorized to sign an Agreement by and between the City of El Paso, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and The International Communities Research Center ("ICRC") as the developer and keeper of the Transborder Travel Demand Model ("TTDM") on international traffic forecasting for the El Paso-

Ciudad Juarez region. This Agreement provides for ICRC to update the TTDM's validation to year 2005 in order to make it consistent with more recent El Paso and Ciudad Juarez travel forecasting models and demographic data recently prepared by the Instituto Municipal de Investigación y Planeación, ("IMIP"). This agreement is for the period February 29, 2008, until February 28, 2009. The total payment to ICRC shall not exceed \$54,000.

Representative Byrd commented.

Mr. Roy Gilyard, Metropolitan Planning Organization Director, commented.

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3E.

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

WHEREAS, the City of El Paso's Yucca Park is located at 7975 Williamette Avenue and consists of approximately 16.6 acres; and

WHEREAS, the City of El Paso owns approximately 1.5 acres of unimproved property adjacent to Yucca Park and the Judge S. Edward Marquez Library; and

WHEREAS, the City staff recommends that the approximately 1.5 acres of unimproved land be incorporated into Yucca Park and that the land more fully described in Exhibit "A", attached hereto and made a part hereof for all purposes, be dedicated as parkland and known as Yucca Park; and

WHEREAS, on February 14, 2008, the City Plan Commission recommended that Yucca Park be expanded to include the identified unimproved property,

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

THAT the City of El Paso incorporates approximately 1.5 acres of unimproved property into its Yucca Park and confirms the dedication of the approximately 18 acres of land described in Exhibit "A" is parkland and will be known as Yucca Park.

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4. APPLICATIONS FOR TAX REFUND

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

- A. First Horizon Home Loans in the amount of \$4,119.06 overpayment of 2007 taxes. (PID #R460-999-0040-0200).
- B. Laura Sanchez in the amount of \$2,842.62 overpayment of 2007 taxes. (PID #A670-999-0050-1000).
- C. Benjamin F. & JoAnne E. Gomersall in the amount of \$3,923.22 overpayment of 2007 taxes. (PID #C809-999-0100-3600).
- D. Landamerica Lawyers Title in the amount of \$3,775.54 overpayment of 2007 taxes. (PID #C942-999-0120-3100).
- E. Basilio A. Silva in the amount of \$7,968.89 overpayment of 2007 taxes. (PID #D485-999-0010-0500).

- F. Jesus & Sandra Azua in the amount of \$4,682.53 overpayment of 2007 taxes. (PID #E075-0000-0050-3000).
- G. Gerardo D. & Luz M. Serrato in the amount of \$3,104.37 overpayment of 2007 taxes. (PID #E076-000-0060-2400).
- H. First Light and Federal Credit Union in the amount of \$3,300.00 overpayment of 2007 taxes. (PID #E207-999-0110-8100).
- I. Del Norte First American Title in the amount of \$4,429.99 overpayment of 2007 taxes. (PID #F609-999-0030-3600).
- J. Stephen P. Rankin in the amount of \$4,145.56 overpayment of 2006 taxes. (PID #G770-999-0030-0500).
- K. Citi Residential in the amount of \$7,965.14 overpayment of 2007 taxes. (PID #H453-999-0350-4300).
- L. First Light Federal Credit Union in the amount of \$3,997.06 overpayment of 2007 taxes. (PID #H540-999-0010-1500).
- M. Lone Star Title Agency in the amount of \$2,922.16 overpayment of 2007 taxes. (PID #H540-999-0070-0900).
- N. First Horizon Home Loans in the amount of \$2,905.10 overpayment of 2007 taxes. (K216-999-0230-6100).
- O. Will P. Harvey Trust Estate in the amount of \$3,623.42 overpayment of 2007 taxes. (PID #M327-999-0090-6400).
- P. Colonial Savings in the amount of \$3,312.35 overpayment of 2007 taxes. (PID #M579-999-0030-0100).
- Q. Stewart Title in the amount of \$3,109.90 overpayment of 2006 taxes. (PID #M638-999-0170-8900).
- R. Fidelity National Title Agency in the amount of \$5,765.67 overpayment of 2007 taxes. (PID #N425-999-0320-9125).
- S. Lara Properties L P in the amount of \$7,780.82 overpayment of 2007 taxes. (PID #P395-999-0020-0325).
- T. Landamerica Lawyers Title of El Paso in the amount of \$3,926.57 overpayment of 2007 taxes. (PID #P783-999-0150-7500).
- U. First American Title in the amount of \$7,935.96 overpayment of 2007 taxes. (PID #R246-999-0180-2300).
- V. Comp USA Stores LP in the amount of \$59,205.70 overpayment of 2007 taxes. (PID #1996-999-0861-0034).

- W. Christopher Palmer in the amount of \$6,938.86 overpayment of 2007 taxes. (PID #R460-999-0400-2510).
- X. First Light Federal Credit Union in the amount of \$3,862.84 overpayment of 2007 taxes. (PID #R576-999-0250-1300).
- Y. Sierra Title Co. in the amount of \$3,108.96 overpayment of 2007 taxes. (PID #S075-000-0520-1100).
- Z. First Light Federal Credit Union in the amount of \$19,200.00 overpayment of 2007 taxes. (PID #S237-999-0570-1900).
- AA. Del Norte First American Title in the amount of \$4,017.88 overpayment of 2007 taxes. (PID #S380-999-0220-1400).
- BB. First Light Federal Credit Union in the amount of \$3,328.90 overpayment of 2007 taxes. (PID #S804-999-0400-4100).
- CC. Lone Star Title Company in the amount of \$4,555.22 overpayment of 2007 taxes. (PID #S812-999-0080-1800).
- DD. Sylvia Garay in the amount of \$6,575.09 overpayment of 2006 taxes. (PID #T230-999-0120-0500).
- EE. Ocwen Loan Servicing, LLC in the amount of \$2,517.53 overpayment of 2007 taxes. (PID #T287-999-0560-2600).
- FF. Washington Mutual Bank in the amount of \$3,041.42 overpayment of 2007 taxes. (PID #V893-999-4030-2100).
- GG. Ysleta del Sur Pueblo in the amount of \$7,505.03 overpayment of 2007 taxes. (PID #V893-999-5730-0100).
- HH. Ronnie & Gale Stair in the amount of \$2,954.52 overpayment of 2007 taxes. (PID #V894-999-0160-1700).
- II. Lone Star Title Company in the amount of \$3,281.97 overpayment of 2007 taxes. (PID #V897-999-1160-3200).
- JJ. Transcontinental Title in the amount of \$3,252.07 overpayment of 2007 taxes. (PID #927-999-0280-0800).
- KK. Carrington Mortgage in the amount of \$3,505.80 overpayment of 2007 taxes. (PID #V927-999-0300-2500).
- LL. Sierra Title Company in the amount of \$3,623.27 overpayment of 2007 taxes. (PID #W145-999-0080-2400).
- MM. Zonia H. Rivas in the amount of \$3,314.09 overpayment of 2007 taxes. (PID #C818-999-0670-4100).

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5A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager exercise the City's option to extend current Contract 2006-073 (Alternators and Starters – Light Duty) with Westfleet and Main Auto Parts for two additional years each pursuant to the provisions to an award approved by City Council on March 21, 2006. Contract period is March 21, 2009, to March 21, 2011.

Department: General Services
Option: One [of One]
Account No.: 37370510 – 45202 – 503121
Funding Source: General Services, Fleet Service Division
Total Estimated Amount: \$56,000 (2-year extension for both vendors)

Representatives Quintana and Ortega commented.

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

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5B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager exercise the City's option to extend current Contract 2006-081 (Automotive Parts Price List - Alternators and Starters - Heavy Duty Applications) with MHC Kenworth and BXW Electrical Rebuilders for one additional year each pursuant to the provisions to an award approved by City Council on April 4, 2006. Contract period is April 22, 2009, to April 22, 2010.

Department: General Services
Option: One [of One]
Account No.: 37370510 – 45202 - 503121
Funding Source: General Services, Fleet Service Division
Total Estimated Amount: \$19,000 (Total \$15,000 for 1 year extension for MHC Kenworth and \$4,000 for 1 year extension for BXW Electrical Rebuilders)

Representatives Quintana and Ortega commented.

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

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6A. BID

*Motion made, seconded, and unanimously carried to **REJECT** bids for Solicitation No. 2008-079 (Proprietary Parts & Services - York HVAC Systems) as recommended by Financial Services Department, Purchasing Division, and General Services Department, Building Maintenance Division, because the only bid received was non-responsive.

Representatives Quintana and Byrd commented.

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

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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-080 (Proprietary Parts & Services - Plymovent Vehicle Exhaust Extraction Systems) to Air Cleaning Technologies, Inc. for a total estimated minimum amount of \$120,000.

Department: General Services
Award to: Air Cleaning Technologies, Inc.
Broken Arrow, Oklahoma
Items: All
Annual Estimated Minimum Amount: \$40,000
Account No.: 01101 – 31310326 – 502226
Funding Source: Buildings/Facilities Maintenance
Total Estimated Minimum Award: \$120,000

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 General Services recommend award to the lowest responsive, responsible bidder.

Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, and Assistant Fire Chief Manny Chavira commented

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7A. – 7D INTRODUCTIONS

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, 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 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 the south side of Bassett Avenue between Williams Street and Laurel Street. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "R" (Speed Limits on the North-South Freeway), Subparagraph 4 (On the Frontage Roads), of the El Paso City Code to amend the speed limits on the North-South Freeway Frontage Road. The penalty is as provided in Section 12.84.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2008, FOR ITEMS 7A – 7B

- 7C.** An Ordinance changing the zoning of Parcel 1: Tract 3C and a portion of Tracts 3A and 3B, Nellie D. Mundy Survey No. 240, and a portion of Tract 1A, Nellie D. Mundy Survey No. 241; Parcel 2: a portion of Tract 3A, Nellie D. Mundy Survey 240; and Parcel 3: a portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas, Parcel 1: from R-3 (Residential) to R-3A (Residential); Parcel 2: from R-3 (Residential) to C-3 (Commercial); and Parcel 3: from R-3 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7D. An Ordinance changing the zoning of Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 11, 2008, FOR ITEMS 7C – 7D

Representative Quintana was not present for the vote.
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8A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-034 (Municipal Service Center East) to Dantex Construction Co., Inc for a total amount of \$3,474,000.

Department: Environmental Services
Award to: Dantex Construction Co., Inc.
El Paso, Texas
Base Bid I: \$3,474,000
Account No. 34010289 - PSWM0009 – 40499 - 508027
Funding Source: SWM 2004 Revenue Bond Funds

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.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services - Purchasing Division, Engineering and Environmental Services recommend award to the bidder offering the best value bid.

Representative Ortega commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

Representative Quintana was not present for the vote.
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ITEMS TAKEN TOGETHER:

8B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-056 (EPIA Terminal Modifications and Additional Public Concessions) to VISTACON, Inc. for a total amount of \$9,645,000.

Department:	El Paso International Airport
Award to:	VISTACON, Inc. El Paso, Texas
Items:	Base Bid: \$9,425,000
	Alternate 1: \$65,000
	Alternate 2: \$155,000
Total Estimated Award:	\$9,645,000
Account No.	62620028-PAP0037-41077-508027
Funding Source:	EPIA Enterprise Funds

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.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Financial Services – Purchasing Division, Engineering and El Paso International Airport Departments recommend award to the bidder offering the best value bid.

9.

RESOLUTION

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Paragon Project Resources, Inc., a Texas Corporation, to perform consulting services for a project known as “Construction Management Services – EPIA Terminal Renovations” for an amount not to exceed \$836,255.19.

Representatives Byrd and Holguin commented.

Mr. Pat Abeln, Director of Aviation, commented.

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

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10A. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the public hearing on an Ordinance granting Special Permit No. ZON06-00148 to allow for an infill development to allow reduced lot depth and setbacks on the property described as a portion of Tracts 8 and 9, Block C, Christy Tract, City of

El Paso, El Paso County, Texas, pursuant to Section 20.08.030.C of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

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10B.

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 9 AND 10, BLOCK 28, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Phillip Etiwe, Development Review Manager for Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative O’Rourke commented.

Mr. Gabino Tavera, applicant, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative O’Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **DENY** the Ordinance.

AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega, and O’Rourke
NAYS: None
ABSENT: Representative Castro

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10C.

ORDINANCE 16839

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 28, 29, AND 30, BLOCK 12, SAHARA ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Phillip Etiwe, Development Review Manager for Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, Byrd, Quintana, Holguin, 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 are hereby **ADOPTED**.

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10D.

ORDINANCE 16840

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Phillip Etiwe, Development Review Manager for Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

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

- AYES: Representatives Lilly, Byrd, Quintana, Holguin, 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 are hereby **ADOPTED**.

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10E.

ORDINANCE 16841

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 14A, A.F. MILLER SURVEY NO. 210 AND A PORTION OF TRACT 3-B-3-A, JOHN WHITTAKER SURVEY NO. 134, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO R-4 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Phillip Etiwe, Development Review Manager for Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representative Lilly commented.

Ms. Patricia Aauto, Deputy City Manager for Development and Infrastructure Services, commented.

Mr. Richard Schecter, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Quintana, Holguin, 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 are hereby **ADOPTED**.

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10F.

ORDINANCE 16842

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE ASSIGNMENT OF A SPECIAL PRIVILEGE GRANTED TO WARREN T. BURNS, JR. BY ORDINANCE NO. 014331 TO CLEAN GROUP, L.P PERMITTING THE ENCROACHMENT OF AN OUTDOOR PATIO CAFÉ ONTO PORTIONS OF PUBLIC RIGHTS-OF-WAY WITHIN BLOCK 170, CAMPBELL ADDITION.**

Mr. Phillip Etiwe, Development Review Manager for Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Patricia Aduato, Deputy City Manager for Development and Infrastructure Services commented.

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

AYES: Representatives Lilly, Byrd, Quintana, Holguin, 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 are hereby **ADOPTED**.

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11A.

RESOLUTION

That the City Manager be authorized to sign a Professional Services Agreement by and between the City of El Paso and Murray, Montgomery and O'Donnell for outside counsel in connection with the City of El Paso's federal legislative program. The contract term will be from February 12, 2008, through and including February 11, 2009, with one renewal term of one year. Compensation for each year shall not exceed \$116,000.

Mayor Cook and Representatives Byrd and Quintana commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Borunda Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Richard Schecter, citizen, commented.

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

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11B.

R E S O L U T I O N

WHEREAS, the Federal Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

WHEREAS, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED DOCUMENT ENTITLED "2008 FEDERAL LEGISLATIVE PRIORITIES AND 2009 APPROPRIATIONS REQUESTS" IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 111th FEDERAL LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Federal Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's federal legislative lobbyist and federal agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.
3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

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

The following members of City staff commented.

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Borunda Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Lynly Leeper, Sun Metro Assistant Director for Development

The following members of the public commented.

- 1. Mr. David Crowder, El Paso Times
- 2. Mr. Richard Schechter

1ST MOTION

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

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** in order to allow Mr. Richard Schechter an additional minute to address the Council.

3RD AND FINAL MOTION

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

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11C.

R E S O L U T I O N

That the City Manager be authorized to sign a First Amendment to the 2007 Affiliate Event Agreement by and between the City of El Paso and The Texas Round-Up, Inc. to automatically and annually renew the Agreement, unless either party provides thirty days prior written notice to terminate.

Mayor Cook and Representatives Quintana and Holguin commented.

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

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

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12. DEVELOPMENT SERVICES

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** a Conditional B permit for Tierra Del Este Unit Forty Nine Subdivision based on a finding of economic hardship.

Representative Quintana commented.

Representative Ortega was not present for the vote.

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13.

R E S O L U T I O N

WHEREAS, the City of El Paso, Texas ("the City"), and the County of El Paso, Texas ("the County"), established a Joint Revolving Loan Fund, utilizing funds available under the U.S. Department of Commerce, Economic Development Administration ("EDA") Section 209 Economic Adjustment Program, and as provided by the Texas Department of Housing and Community Affairs ("TDHCA"), respectively; and

WHEREAS, the Joint Revolving Loan Fund was established pursuant to the terms of an Interlocal Agreement, dated May 16, 2000, and thereafter amended, between the City and the County, and a Revolving Loan Fund Program Agreement, dated May 16, 2000, and thereafter amended, among the City, the County, the Program Bank, and additional Program Lenders; and

WHEREAS, the Revolving Loan Fund Plan ("RLF Plan") was described in Exhibit A to the above-referenced Interlocal Agreement and Program Agreement; and

WHEREAS, upon submission to the EDA of the program report for the Joint Revolving Loan Fund for the period ending September 30, 2007, 13 C.F.R. §307.14(b) and Part II, Section J.2 of the EDA's Revolving Loan Fund Standard Terms and Conditions require annual certification by the governing board of the grant recipient that the Joint Revolving Loan Fund is being operated in accordance with the RLF Plan; and

WHEREAS, the City Council is the governing body of the City of El Paso, which is the grant recipient of funds from the EDA; and

WHEREAS, having reviewed the performance of the Joint Revolving Loan Fund for the period ending September 30, 2007, City Council finds that: the RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; the Joint Revolving Loan Fund is being operated in accordance with the policies and procedures contained in the RLF Plan; and the loan portfolio meets the standards contained therein.

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

That the performance of the Joint Revolving Loan Fund has been reviewed for the period ending September 30, 2007, and that the City Manager or her designee be authorized to certify the following to the Economic Development Administration:

1. The RLF Plan is consistent with and supportive of the area's current economic adjustment strategy; and
2. The Joint Revolving Loan Fund is being operated in accordance with the policies and procedures contained in the RLF Plan, and the loan portfolio meets the standards contained therein.

Representatives Byrd, O'Rourke, and Quintana commented.

Ms. Lucille Ponticelli, Economic Development Manager, commented.

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

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:14 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk