

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 23, 2010
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Rachel Quintana, Jr., and Steve Ortega. Late arrivals: Beto O'Rourke at 8:42 a.m. during Executive Session deliberations and Emma Acosta at 8:51 a.m. during Executive Session deliberations. Absent: Eddie Holguin requested to be excused. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. IHOP'S NATIONAL PANCAKE DAY**
- 2. NATIONAL TRIO DAY**
- 3. BOB MARLEY WEEK**
- 4. JUNIOR WOMAN'S CLUB OF EL PASO 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. Antonio D'Addezio
2. Mr. Steven Strumer
3. Mr. Ray Gilbert
4. Mr. Bernie Sargent

Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

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

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:13 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Robinson and Quintana
 ABSENT: Representative Holguin

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EX1. City of Alpine et al. vs. Greg Abbott, Texas Attorney General and the State of Texas, Defendants, in the United States District Court for the Western District of Texas, Pecos Division, Cause No. P09CV59. (551.071)

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **DELETE** the item.

ABSENT: Representative Holguin

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EX2. Raquel Baca vs. City of El Paso; Cause No. 2006-5874. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand and authorize outside counsel to continue negotiations in the lawsuit styled Raquel Baca vs. City of El Paso; Cause No. 2006-5874.

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

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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, Ortega, and O'Rourke
 NAYS: None
 ABSENT: Representative Holguin

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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 16, 2010, and the Special City Council Meeting (Billboards) of February 16, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Eddie Holguin, Jr. from the regular City Council meeting of February 23, 2010.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign a sub-recipient grant contract with El Paso Independent School District in connection with the City's Weed and Seed DOJ Grant Program (FY09), awarding an amount not to exceed \$10,000.00 to support a tutoring program for at-risk youth in elementary and middle schools within the Chamizal Neighborhood Weed and Seed boundary, subject to the terms and conditions of the grant contract.

Representatives Acosta and O'Rourke commented.

Mr. Mark Alvarado, Neighborhood Services Coordinator, commented.

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3B.

***RESOLUTION**

That the City Manager or her designee be authorized to sign a three-year Lease Agreement between the City of El Paso and Larry Boaz to allow by the Police Department to continue using space they have occupied since 1992.

Representative Ortega commented.

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

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3C.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment To Consulting Agreement by and between the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization ("MPO") for the El Paso Urban Transportation Study Area, hereinafter referred to as "City", and the International Communities Research Center ("ICRC"), a non-profit research organization, amending the scope of services to be provided by ICRC and increasing the consideration to be paid by the MPO.

Representative O'Rourke commented.

Mr. Roy Gilyard, Executive Director of the Metropolitan Planning Organization, commented.

3D.

***RESOLUTION**

That the City Manager be authorized to sign the Interlocal Agreement entitled Temporary Advertising Services Agreement between the City of El Paso and the County of El Paso, Texas, ("County") and to sign future amendments if such amendments do not affect or cause changes to the City's annual budget for support of general promotion and tourist advertising services effective October 5, 2009, through September 30, 2010, by which the City will provide out of town advertising of the Walters Art Museum Traveling Exhibition of Bedazzled: 5000 Years of Jewelry to be displayed at the Museum of Art in exchange for \$33,000, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax funds.

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3E.

***RESOLUTION**

WHEREAS, the City of El Paso ("Applicant") is fully eligible to receive assistance under the Local Park Grant Program ("Program"); and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Texas Parks and Wildlife Department ("Department") concerning the Program;

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

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that the notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Department of Parks and Recreation to act for the Applicant in dealing with the Department for the purposes of the Program, and that the Director, Nanette Smejkal, is hereby officially designated as the Applicant's representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the City Manager and the Applicant's representative to make application to the Department for an Urban Outdoor Recreation Grant concerning the site known as Jorge Montalvo Park in the City of El Paso for the Jorge Montalvo Park Expansion Project and this site will be dedicated for public park and recreation purposes in perpetuity.

SECTION 5: That the Applicant hereby certifies that a copy of the application will be submitted to the appropriate regional council of governments for Texas Review and Comments System consideration.

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3F.

***RESOLUTION**

1. It is the policy of the City of El Paso that all forms of mining and drilling for oil and gas are prohibited in the Jorge Montalvo Park, 6500 Tiger Eye Dr., El Paso, Texas, 79924.
2. It is the policy of the City of El Paso that no previously drilled and abandoned oil or gas well or mine may be reopened in the Jorge Montalvo Park, 6500 Tiger Eye Dr., El Paso, Texas, 79924.

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3G.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the General Victim Assistance – Direct Services program be operated for the time period of September 1, 2010 to August 31, 2011; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Criminal Justice Division - Office of the Governor grant application; 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; and

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 General Victim Assistance – Direct Services program to the Office of the Governor, Criminal Justice Division.
2. The City Manager or her designee 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 \$218,724.85 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’s Victim Services Unit; and that the City Manager or her designee also be authorized to sign any related paperwork, including but not limited to authorization of budget transfers and submit necessary revision to the operational plan; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the grant agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.
3. The City of El Paso agrees to provide cash matching funds in the amount of \$43,744.97.
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.
5. That the City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff’s; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney’s Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; Family Service of El Paso, Crime Survivors Counseling Program; Transitional Living Center; and the University Medical Center.

Representative Acosta commented.

Assistant Police Chief Robert Feidner commented.

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3H.

RESOLUTION

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that Operation Border Security be operated for the April 1, 2010, through March 31, 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 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 \$750,000.00, 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.

Representatives Acosta and O’Rourke commented.

Assistant Police Chief Robert Feidner commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representatives Quintana and O’Rourke

ABSENT: Representative Holguin

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Kathleen Campbell Walker to the Committee on Border Relations by Mayor John F. Cook.

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mary Elizabeth (Betty) Hoover to the Animal Welfare Advisory Committee by Representative Beto O'Rourke, District 8.

5A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Facilities Connection under TXMAS State Contracts #3-7511A010, #3-7110400, #3-7110160, and #3-711050 for office furnishings and equipment related to the MSC Building 1 Renovation. Total expenditures are \$117,895.94.

The participation by the City of El Paso in the TXMAS Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services – Facilities Division
Funding Source: Facility Rehabilitation
Total Estimated Amount: \$117,895.94
Reference No.: 2010-157

5B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Accela, Inc., the sole source provider for Accela Software Products, Licensing, Maintenance and Service.

Department: Environmental Services
Funding Source: Data Processing Equipment
Amount: \$447,000
Reference No.: 2008-171

Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Ellen Smyth, Director of Environmental Services

6. BID

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2010-020 (Building Space Rental – North Central WIC Clinic) to Robert Malooly for a total estimated award of \$144,000.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Department:	Department of Public Health – WIC Program
Award to:	Robert Malooly El Paso, TX
Items:	All
Option: 1:	\$154,800 (first 3-year option)
Option: 2:	\$165,600 (second 3-year option)
Funding Source:	TDH WIC Services-Building Leases-WIC Administration
Total Estimated Award:	\$144,000 (3 years)

The Departments of Financial Services, Purchasing Division, and Public Health – WIC Program recommend award to Robert Malooly, the vendor offering the best value bid.

Representative Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Ms. Bertha Amaya, Director of WIC

Mr. David Saucedo, representing the landlord of the current WIC location, commented.

7. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** a budget transfer for \$95,000 to increase appropriations in Development Services to pay for Third Party Inspections for the remainder of FY2010. Funds transferred from contingency account to provide appropriations for unfunded third party inspections. Activity on inspections is particularly significant in the roofing inspection area due to hail damage sustained by residents in the fall of this year.

Decrease	\$95,000	from	Operating
Increase	\$95,000	to	Contracts

8A. – 8B. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Lilly, 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:

8A. An Ordinance amending Title 12 (Vehicles and Traffic) to create Chapter 12.22 (Wireless Communications Devices) of the El Paso City Code, to prohibit the use of wireless communication devices while operating a motor vehicle, and creating an offense; the penalty being as provided in Sections 1.08.010 - 1.08.030 and Section 12.84.010 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 9, 2010, FOR ITEM 8A

8B. An Ordinance changing the zoning of Lots 1, 2, and the south 8 feet of Lot 3, Block 88, Campbell Addition, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: 719 and 721 S. Oregon Street. Applicant: Rosa Guzman. ZON09-00084

PUBLIC HEARING WILL BE HELD ON MARCH 16, 2010, FOR ITEM 8B

9. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **AWARD** Solicitation No. 2010-077 (Street Construction Materials) to Cemex Materials South, LLC and Jobe Materials, L.P. for a total estimated amount of \$3,399,885.

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

NAYS: Representative Ortega

NOT PRESENT FOR THE VOTE: Representative Lilly

ABSENT: Representative Holguin

Department: Street
Award to: Vendor 1: Cemex Materials South, LLC
El Paso, TX
Items: Group II, all items
Group III, items 1 and 3
Group IV, items 1-4 and 7-13
Estimated Annual Amount: \$1,035,895

Award to: Vendor 2: Jobe Materials, L.P.
El Paso, TX
Items: Group I, all items
Option: Two years
Estimated Annual Amount: \$ 97,400

Funding Source: Public Accesses – Maintenance & Repair
Total Estimated Award: \$3,399,885 (3 years)

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and Street recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Cook and Representatives Byrd and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Carlos Aguilar, Cemex, and Mr. Ray Gilbert, citizen, commented.

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Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried to **RECESS** the City Council Meeting at 10:18 a.m. in order to convene the Special City Council Meeting.

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Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 10:37 a.m.

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10A. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Lot 2, Block 1, Sandstone Ranch Estates Unit Two, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-3 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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10B.

ORDINANCE 17278

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00076, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED REAR SETBACK TO 8 FEET; SIDE YARD SETBACKS TO 4 FEET AND, REDUCED LOT AREA IN ORDER TO CONSTRUCT A 2,540 SQUARE FOOT DUPLEX ON A 6,000 SQUARE FOOT LOT ON THE PROPERTY DESCRIBED AS LOTS 26 AND 27, BLOCK 115, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Byrd commented.

Mr. Philip Etiwe, Development Review Manager, commented.

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED, AS REVISED TO NOT REQUIRE THE ALLEY TO BE PAVED**. 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, Ortega, and O'Rourke
- NAYS: None
- ABSENT: Representative Holguin

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

10C.

ORDINANCE 17279

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00073 TO ALLOW FOR A 56% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 - 10, BLOCK 223, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE AND IMPOSING A CONDITION. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

Mr. Charlie McNabb, City Attorney, and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Frederic Dalbin, representing the applicant, and Mr. George Cisneros, applicant, commented.

Mr. Richard Schechter, citizen, commented.

1ST MOTION

Motion duly made by Representative Lilly, seconded by Representative Quintana, that the Ordinance be **DENIED**. 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, Robinson, and Quintana
- NAYS: Representatives Byrd, Acosta, Ortega, and O'Rourke
- ABSENT: Representative Holguin

THE MOTION FAILED.

2ND AND FINAL MOTION

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED REQUIRING BIKE PARKING FOR THE APPLICANT'S FACILITY**. 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 Byrd, Acosta, Quintana, Ortega, and O'Rourke
- NAYS: Representatives Lilly and Robinson
- ABSENT: Representative Holguin

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

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10D.

ORDINANCE 17280

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00022 TO ALLOW FOR GOVERNMENTAL USES AND BUILDINGS ON THE PROPERTY DESCRIBED AS BEING ALL OF TRACTS 3A, 3A1, G.M. COLLINGSWORTH SURVEY NO. 14, A PORTION OF TRACT 1B, GUADALUPE LUCERO SURVEY NO. 45, A PORTION OF TRACT 15 B, YSLETA GRANT,**

BLOCK 21, A PORTION OF UNITED STATES PARCEL NO. 3, A PORTION OF ASCARATE STREET ALSO KNOWN AS FIRST STREET, AND A PORTION OF THE OLD RIVER BED KNOWN AS TRACT 4, (DESCRIBED JULY 9, 1938, IN BOOK 632, PAGE 559, DEED RECORDS, EL PASO COUNTY, TEXAS) CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Representatives Quintana Acosta, Byrd, and Ortega commented.

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

Mr. Frederic Dalbin, representing the applicant, commented.

Mr. Ray Gilbert, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Acosta, 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, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O’Rourke

ABSENT: Representative Holguin

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. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Tract 4B, Section 38, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/C (Commercial/Condition), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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11.

ORDINANCE 17281

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A SPECIAL WARRANTY DEED CONVEYING APPROXIMATELY 20.0155 ACRES OF LAND BEING A PORTION OF TRACT 8, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO JOBE MATERIALS, L.P. ALSO AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE OF THE LAND.**

Representatives Robinson, Byrd, and Ortega commented.

Mr. Rudy Valdez and Mr. Jim Shelton, Public Service Board staff, commented.

Mr. Ray Gilbert, citizen, and Mr. Stanley Jobe, Jobe Materials, commented.

Motion duly made by Representative Robinson, 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, Acosta, Robinson, Quintana, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Holguin

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 12C

12A. MAYOR AND COUNCIL

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **ADOPT** the City of El Paso 2010 Federal Legislative Priorities and Fiscal Year 2011 Appropriations Requests and the City of El Paso Interim State Legislative Priorities, **WITH AN AMENDMENT TO THE STATE LEGISLATIVE AGENDA FOR STAFF TO WORK ON ANY INCONSISTENCIES TO THE CELL PHONE BAN AND TO REQUIRE TXDOT TO BUILD A COMPLETE STREET FROM SIDEWALK TO SIDEWALK**, in preparation for 82nd Legislative Session.

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

The following City staff members commented:

- 1. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice
- 2. Ms. Taylor Moreno, Intergovernmental Affairs Coordinator
- 3. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

Ms. Mica Espinoza, El Paso Chamber of Commerce, and Mr. Richard Schecter, citizen, commented.

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12B. MAYOR AND COUNCIL

Review of bike parking requirements and whether requirements are being implemented at all and per the Municipal Code.

Representatives Byrd and Robinson commented.

Mr. Victor Torres, Director of Development Services, commented.

NO ACTION was taken on the item.

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TAKEN WITH ITEM 12A

12C. MAYOR AND COUNCIL – Legislative Review Committee Report

1. For notation: Formal Report of the Intergovernmental Affairs Legislative Review Committee meeting held on February 11, 2010, as submitted by Mayor John Cook, Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Regarding proposed State Legislative agenda.
 - b. Regarding proposed Federal Legislative agenda.

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

The following City staff members commented:

1. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice
2. Ms. Taylor Moreno, Intergovernmental Affairs Coordinator
3. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

Ms. Mica Espinoza, El Paso Chamber of Commerce, and Mr. Richard Schecter, citizen, commented.

NO ACTION was taken on the item.

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13.

RESOLUTION

That the Mayor be authorized to sign an Amended and Restated Agreement by and between the City of El Paso, Texas and the Camino Real Regional Mobility Authority.

Mayor Cook and Representatives O'Rourke and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

Mr. Paul Braden, Bond Counsel, gave legal advice.

Mr. Ray Gilbert, citizen, commented.

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

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14.

RESOLUTION

That the City Manager be authorized to execute a First Amendment to Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Centro Mayapan, Inc., a Texas Corporation ("Applicant"), in connection with the extension and rearrangement the time and manner of repayment of the City's loan to Applicant, subject to the terms and conditions specified therein.

Mayor Cook and Representatives Lilly, Robinson, Ortega, and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kathryn Dodson, Director of Economic Development
- 3. Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Mr. Richard Schecter, citizen, and Ms. Nena Jacquez, La Mujer Obrera, commented.

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

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15. PARKS AND RECREATION

Discussion and action of the Parks and Recreation Master Plan Implementation Progress Report conducted by Halff Associates for the period of September 2006 through November 2009.

Mr. Jim Carrillo, Vice President for Halff Associates, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

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16A. CITY MANAGER

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** a budget transfer for the funds received from the Agreement for Funding and Implementation of El Paso Particulate Matter Reduction Project ("Agreement") in the amount of \$1,500,000 to allow for funding of unpaved roads, alley-ways, parking lots and/or medians.

Representatives Byrd, Robinson, and O'Rourke commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

Mr. Ray Gilbert, citizen, commented.

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16B. CITY MANAGER

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DIRECT** that the City Manager reprogram prior year approved Certificates of Obligation in the amount of \$6,164,938 to Street and Information Technology critical priorities as shown below:

FROM:

Source	Reprogramming Amount
2009 Certificates of Obligation	\$5,200,000
1993A Certificates of Obligation	1,849
1994A Certificates of Obligation	75,000
1998B Certificates of Obligation	113,630
2000 Certificates of Obligation	101,118
2003 Certificates of Obligation	673,341
Total Sources	\$6,164,938

TO:

Project	Reprogramming Amount
Street Resurfacing	\$3,500,000
Bataan Railway Reconstruction	1,700,000
Downtown Circulation Plan	225,030
Street Lighting	17,050
IT Capital Acquisitions	722,858
Total Uses	\$6,164,938

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

Ms. Joyce Wilson, City Manager, and Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure, commented.

Mr. Richard Schecter and Mr. Ray Gilbert, citizens, commented.

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16C1. CITY MANAGER

Staff overview of the Proposed 2010 Capital Plan – Revised.

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

3. Ms. Irene Ramirez, Assistant City Engineer
4. Mr. Michael Hill, Director of Public Health

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. Ray Gilbert
3. Mr. Todd Stewart Todd, Austin Terrace Neighborhood Association
4. Mr. David Ochoa, Austin Terrace Neighborhood Association

NO ACTION was taken on the item.

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16C2.

RESOLUTION

WHEREAS, the El Paso City Council reaffirmed its Debt Management Policy on October 27, 2009, which sets forth the parameters for issuing new debt for the City of El Paso; and

WHEREAS, the Debt Management Policy establishes the types of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Certificates of Obligation are an appropriate debt instrument for infrastructure-related capital projects (and non-quality of life projects) at a cumulative value of \$100 million or less; and

WHEREAS, the El Paso City Council considered a proposed seven-year capital program that included a list of proposed projects to be undertaken at a Strategic Visioning Session held on October 15, 2009; and

WHEREAS, the policy direction provided by the El Paso City Council was to develop a capital plan for projects pursuant to the approved Debt Management Policy, and specifically utilizing both funding mechanisms of Certificates of Obligation and General Obligation Bonds for the proposed projects; and

WHEREAS, the El Paso City Council further directed that issuances for proposed infrastructure-related projects and utilizing Certificates of Obligation be brought forward annually starting in 2010 and thereafter; and

WHEREAS, City staff has developed a proposed listing of capital projects to be undertaken in 2010 for which the City would need to issue long term debt; and

WHEREAS, the El Paso City Council considered this list, referenced as "Proposed 2010 Capital Plan – Revised," in part at its retreat and special City Council meeting held on October 15, 2009; and

WHEREAS, the El Paso City Council asked that the City Manager bring further consideration of the capital plan to the City Council for finalization and action.

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

1. **THAT** the El Paso City Council affirms that the list of projects totaling approximately \$40,000,000, referenced as "Proposed 2010 Capital Plan – Revised" and attached hereto as Exhibit A, shall be the established list of Capital Improvement Program projects for 2010 utilizing Certificates of Obligation and other funding mechanisms for issuances less than \$100 million pursuant to the City Debt Management Policy;

2. **THAT** the City Manager be authorized to establish the funding sources for the projects enumerated in the "Proposed 2010 Capital Plan – revised" and make all necessary budget transfers at the appropriate times for execution of the projects;
3. **THAT** the City Manager be authorized to appropriate red light camera funds to supplement bond funds appropriated to specific capital projects and for certain amounts as allowed under state statute as follows:
 - \$150,000 to Street Signage, specifically for school zone signs and sign replacement
 - \$115,000 to Police for hand held devices
 - \$250,000 to Neighborhood Traffic Management Program, Phase II

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Ms. Irene Ramirez, Assistant City Engineer
4. Mr. Michael Hill, Director of Public Health

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Ray Gilbert
3. Mr. Todd Stewart Todd, Austin Terrace Neighborhood Association
4. Mr. David Ochoa, Austin Terrace Neighborhood Association

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

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ADDITION TO THE AGENDA

EX1. Maria Esquivel vs. City of El Paso; Cause Number 2008-4910. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried that the City Attorney be authorized to **PROCEED WITH AN APPEAL** in the case entitled Maria Esquivel vs. the City of El Paso, Texas; Cause Number 2008-4910.

ABSENT: Representative Holguin

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 Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:54 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk