

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, 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 24, 2009
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: Susannah M. Byrd, Melina Castro, Eddie Holguin, Jr., and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:40 a.m. during Executive Session deliberations, Emma Acosta at 8:45 a.m. during Executive Session deliberations, Ann Morgan Lilly at 9:08 a.m. during Executive Session deliberations, and Steve Ortega at 10:35 a.m. Early departures: Mayor John F. Cook at 12:18 p.m. and Beto O'Rourke at 1:12 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **NATIONAL TRIO DAY**
2. **SPAY DAY 2009**

RECOGNITION AND WELCOME:

DELEGATION FROM THE CITY OF IRVING LED BY MAYOR HERBERT A. GEARS

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. Ms. Lisa Turner
 2. Ms. Cathy Hinojosa
 3. Mr. Jorge Artalejo
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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, Quintana, and Ortega

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 9:39 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Acosta, Castro, and Ortega

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EX1. Jimmy Lee Sweed vs. the City of El Paso, et. al., Cause No. 2008-159. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Jimmy Lee Sweed vs. The City of El Paso, Cause No.: 2008-159.

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

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EX2. Claim of G.O.T. Supply Inc., Our File No. 08-C-221. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that outside counsel be authorized to **REJECT** Plaintiff's settlement demand in the claim entitled G.O.T. Supply Inc., Our File No. 08-C-221.

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

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EX3. Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that outside counsel be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and sign all documents to resolve the lawsuit styled Rafael Gardon vs. City of El Paso; Cause No. 2003-493.

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

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EX4. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

1ST MOTION

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 1:05 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **ADJOURN** the Executive Session at 1:15 p.m. and **RECONVENE** the meeting of the City Council.

NO ACTION was taken on the item.

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EX5. Claim of Jorge Valenzuela Jr., Our File No. 08-C-177. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the City Attorney's Office be authorized to **CONTINUE NEGOTIATIONS** regarding claimants' settlement demand in the claim of Jorge Valenzuela Sr. and Jorge Valenzuela Jr., Our File No. 08-C-177.

AYES; Representatives Lilly, Byrd, Acosta, Quintana, Holguin, and O'Rourke

NAYS: None

ABSTAIN: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Ortega

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CONSENT AGENDA

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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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, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

THAT the City Manager be authorized to: (i) file an application in the amount of \$20,634,000.00 with the Federal Aviation Administration (FAA), authorizing the continuation of the Passenger Facility Charge

(PFC) at the El Paso International Airport (the Airport); (ii) expend revenues from the PFC at the Airport, in accordance with the Airport's Capital Improvement Program; (iii) submit all required assurances, understandings, and related documentation contained in the application or requested by the FAA; and (iv) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the application.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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3B.

***RESOLUTION**

THAT the City Manager be authorized to file an Amendment to Passenger Facility Charge (PFC) Application No. 06-03-C-00-ELP with the Federal Aviation Administration (FAA), authorizing i) the decrease of \$6,154,172 in the PFC Impose and Use Authority of El Paso International Airport (EPIA) (ii) submission of all and related documentation contained in the amendment or requested by the FAA; and (iii) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the amendment.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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3C.

***RESOLUTION**

THAT the City Manager be authorized to sign a Second Amendment to Business Concession Agreement by and between the City of El Paso ("Lessor") and Travelex America, Inc. ("Concessionaire") together with related documents, for the concession located in the terminal building at the El Paso International Airport.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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3D.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the City Council of the City of El Paso, by Order dated the 27th day of February 2008, after due notice and hearing, issued an order to Veronica S. Jarosz, record Owner of the hereinafter described property that the main structure be secured, demolish accessory structures within 30 days and to clean the premises of all weeds, trash, and debris all within 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 re-secure, demolish accessory structures 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 securing the structure, demolishing the accessory structures and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 19 and 20, Block 121, Morningside Heights Addition, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3830 Johnson Avenue, El Paso, Texas,

to be \$9,389.79, performed by the Street Department of the City of El Paso, making a total of \$9,389.79. The City Council finds that the work was completed on the 13th day of December 2008, 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 \$9,389.79 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.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 30th day of October 2007, after due notice and hearing, issued an order to Charles G. Clark, record Owner of the hereinafter described property that the main structure be secured within 30 days and to clean the premises of all weeds, trash, and debris all within 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 re-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 securing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 18 and the West ½ of Lot 19, Block 93, Franklin Heights Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 1921 Arizona Avenue, El Paso, Texas,

to be \$1,981.29, performed by the Street Department of the City of El Paso, making a total of \$1,981.29. The City Council finds that the work was completed on the 13th day of December 2008, 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 \$1,981.29 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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3E.

***RESOLUTION**

THAT the City Manager be authorized to sign and accept on behalf of the City a Public Right-of-Way Dedication Deed from AAV Developing & Construction, LLC, dedicating to the City a piece of land to be used as a public right-of-way, described as being a portion of Lot 1, Block 2, San Carlos Addition, City of El Paso, El Paso County, Texas. The area is 229.58 square feet in size, which will be added to the abutting right-of-way in order for the existing portion of Amigo Drive to align with the portion within the proposed Alborada Palms Estates subdivision, and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" of the Dedication Deed.

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3F.

***RESOLUTION**

THAT the City Manager accept on behalf of the City a Street Dedicatory Certificate from the El Paso Electric Company granting to the City as an easement and dedication of real property for use of public right-of-way located within Montecillo Unit 3 Subdivision, and more particularly described as being a portion of Tracts 1, and 19 (El Paso Electric Co. ROW) John Barker Survey No. 10, City of El Paso, El Paso County, Texas. Subject property: north of I-10 and west of Mesa Street. Applicant: El Paso Electric Company.

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3G. RESOLUTION

That the City expend additional available funding in the amount of \$78,339.15 to Blair-Hall Company Inc. to fund additional labor and materials (sod price increases for the sports fields) for Contract Number 2006-186, Westside Sports Complex Project. The approval of this additional amount will increase the contract amount from \$4,202,794.65 to \$4,281,133.80.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, City Engineer
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

1ST MOTION

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

2ND MOTION

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

NOT PRESENT FOR THE VOTE: Representative Ortega

3RD MOTION

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

4TH AND FINAL MOTION

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

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3H.

***RESOLUTION**

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization (MPO), Transportation Policy Board (TPB) provide that the City of El Paso may appoint someone to the TPB to represent the Sun Metro/Mass Transit Department;

WHEREAS, the current Sun Metro/Mass Transit Department representative, Tim Omick, will no longer serve on the TPB;

WHEREAS, the City of El Paso now desires to appoint a replacement for Mr. Omick;

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

THAT Jay Banasiak, Director of the Sun Metro/Mass Transit Department, of the City of El Paso be appointed to the Transportation Policy Board for the Metropolitan Planning Organization as the Sun Metro/Mass Transit Department representative in lieu of Tim Omick, effective immediately.

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3I.

***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") for support of marketing and advertising services for October 1, 2008 – September 30, 2009 Cultural Heritage Tourism Marketing for the Museum of Art and the Museum of History, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax funds.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Raymundo Rodriguez to the Ethics Review Commission by Representative Susie Byrd, District 2.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Oscar Perez to the Zoning Board of Adjustment, as an alternate member, by Representative Susie Byrd, District 2.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Irasema Coronado to the Committee on Border Relations by Representative Susie Byrd, District 2.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Alisa Jorgensen to the Zoning Board of Adjustment by Representative Beto O'Rourke, District 8.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gracia M. Sandoval to the Ethics Review Commission by Representative Beto O'Rourke, District 8.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Charles S. Wakeem as alternate member to the Zoning Board of Adjustment by Representative Beto O'Rourke, District 8.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Alejandro F. Ganem to the Committee on Border Relations by Representative Beto O'Rourke, District 8.

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5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Julio Norman to the Retired and Senior Volunteer Program Advisory Council (RSVP) by Representative Beto O'Rourke, District 8.

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6A. MAYOR AND COUNCIL:

1ST MOTION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on the use of District 4 discretionary funds in the amount of \$1775.52 to purchase four trash receptacles and have them secured at Todd Ware Park. (Dept. ID #01010004; Account #504420; Fund #01101; Class #01001).

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

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

Mayor Cook and Representatives Castro, Holguin, and Quintana commented.

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

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6B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contribution by Mayor John Cook on February 14, 2009, in the amount of \$1,000 from Ronald and Esther Costa and \$500 from Bain Construction.

7. APPLICATION FOR TAX REFUNDS

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

- A. Radisson Suite Inn in the amount of \$6,015.49 overpayment of 2007 taxes. (PID #0827-999-3146-0034).
- B. Coretree Land II in the amount of \$5,302.26 overpayment of 2008 taxes. (PID #A765-999-006C-0270).
- C. First Savings Bank in the amount of \$3,000.00 overpayment of 2008 taxes. (PID #C050-999-2000-4300).
- D. Colonial Savings in the amount of \$4,034.07 overpayment of 2008 taxes. (PID #C340-999-0800-1200).
- E. GMAC Mortgage in the amount of \$5,084.38 overpayment of 2008 taxes. (PID #C340-999-0250-1500).
- F. Lawyers Title of El Paso in the amount of \$6,279.84 overpayment of 2008 taxes. (PID #C340-999-0270-6700).
- G. Elsa Dominguez in the amount of \$4,085.55 overpayment of 2007 taxes. (PID #C714-999-0010-2200).
- H. Labeltech, Inc. in the amount of \$34,588.01 overpayment of 2008 taxes. (PID #C756-999-0010-0100).
- I. Jim R. & Nita R. Phillips in the amount of \$7,170.52 overpayment of 2008 taxes (PID #C801-999-0040-2100).
- J. David G. Nava in the amount of \$3,314.33 overpayment of 2008 taxes. (PID #C840-999-0300-2700).
- K. Wells Fargo Real Estate Tax Services in the amount of \$3,793.93 overpayment of 2008 taxes. (PID #E076-000-0010-1400).
- L. Ajan Tiger Properties, LTD in the amount of \$2,503.81 overpayment of 2008 taxes. (PID #H495-000-0000-0370).
- M. Countrywide Tax Services in the amount of \$2,890.06 overpayment of 2008 taxes. (PID #H770-000-0010-1000).
- N. Wells Fargo Home Mortgage in the amount of \$3,874.04 overpayment of 2008 taxes. (PID #H801-999-0090-0125).
- O. Sergio Lucero in the amount of \$8,855.54 overpayment of 2008 taxes. (PID #L131-999-0060-0600).

- P. Rose Coronado Trails L.P. in the amount of \$38,844.81 overpayment of 2008 taxes. (PID #0599-999-1010-0000).
- Q. Lourdes Lopez in the amount of \$2,689.35 overpayment of 2007 taxes. (PID #L681-999-0050-8100).
- R. Airline International in the amount of \$6,792.69 overpayment of 2008 taxes. (PID #M344-999-0260-1800).
- S. First Savings Bank in the amount of \$3,000.00 overpayment of 2008 taxes. (PID #M633-999-0040-1100).
- T. Luis Barreda in the amount of \$4,686.47 overpayment of 2008 taxes. (PID #M765-999-0030-4300).
- U. GECU in the amount of \$3,692.67 overpayment of 2008 taxes. (PID #P654-999-0270-1100).
- V. D J Jordan Properties in the amount of \$4,055.97 overpayment of 2008 taxes. (PID #R871-999-0010-3300).
- W. Dovenmuehle Mortgage In the amount of \$3,692.71 overpayment of 2008 taxes. (PID #S137-999-0040-1200).
- X. Joyce A. Smith in the amount of \$3,487.47 overpayment of 2008 taxes. (PID #S137-999-0110-4000).
- Y. Countrywide Home Loans in the amount of \$11,376.83 overpayment of 2008 taxes. (PID #S332-999-0030-3200).
- Z. John K. Christmas in the amount of \$5,298.00 overpayment of 2008 taxes. (PID #S380-999-0160-3900).
- AA. Sierra Title Company in the amount of \$12,265.54 overpayment of 2008 taxes. (PID #S401-999-0010-8100).
- BB. Lawyers Title of El Paso in the amount of \$3,534.11 overpayment of 2008 taxes. (PID #S618-999-000N-0100)
- CC. Jose R. Acosta in the amount of \$9,727.48 overpayment of 2008 taxes. (PID #T287-999-0070-1900).
- DD. Taylor Bean & Whitaker Mortgage Corp. in the amount of \$5,739.55 overpayment of 2008 taxes. (PID #T287-999-1250-2000).
- EE. Capital Title of Texas, LLC in the amount of \$4,058.86 overpayment of 2008 Taxes. (PID #T287-999-1330-3000).
- FF. Lone Star Site in the amount of \$3,072.94 overpayment of 2008 taxes. (PID #V893-999-5690-1400).

- GG. Sterling Rev Trust Compass Bank, TTEE in the amount of \$2,595.07 overpayment of 2008 taxes. (PID #V893-999-1110-4700).
- HH. Countrywide Tax Services in the amount of \$4,547.89 overpayment of 2008 taxes. (PID #V893-999-1500-3100).
- II. GECU in the amount of \$2,999.57 overpayment of 2008 taxes. (PID #V893-999-3550-0900).
- JJ. Countrywide Tax Services Corp. in the amount of \$4,058.49 overpayment of 2008 taxes. (PID #W145-999-0730-1100).
- KK. Chase Home Finance in the amount of \$6,771.41 overpayment of 2007 taxes. (PID #W418-999-0050-2810).
- LL. Chase Home Finance in the amount of \$4,681.74 overpayment of 2007 taxes. (PID #X578-000-3430-3000).
- MM. Commercial Escrow in the amount of \$7,599.45 overpayment of 2008 taxes. (PID #B691-000-0110-0500).
- NN. Commercial Escrow in the amount of \$7,576.20 overpayment of 2008 taxes. (PID #B691-000-0120-1000).
- OO. Commercial Escrow in the amount of \$2,639.30 overpayment of 2008 taxes. (PID #B691-000-0120-1200).
- PP. Escrow, Inc. in the amount of \$9,385.23 overpayment of 2008 taxes. (PID #C232-999-0050-5000).
- QQ. Wells Fargo Home Mortgage in the amount of \$3,938.56 overpayment of 2008 taxes. (PID #E076-000-0060-5600).
- RR. Stewart Title of El Paso in the amount of \$5,816.97 overpayment of 2008 taxes. (PID #E742-000-0050-1300).
- SS. Andres Santos & Helen Santos in the amount of \$3,234.16 overpayment of 2008 taxes. (PID #I256-999-0290-0300).
- TT. Commercial Escrow in the amount of \$4,742.18 overpayment of 2008 taxes. (PID #M374-000-0010-0125).
- UU. Commercial Escrow in the amount of \$4,743.52 overpayment of 2008 taxes. (PID #M374-000-0010-0150).
- VV. Commercial Escrow in the amount of \$4,743.36 overpayment of 2008 taxes. (PID #M374-000-0010-0325).
- WW. Commercial Escrow in the amount of \$2,427.76 overpayment of 2008 taxes. (PID #M374-000-0010-0350).

- XX. Commercial Escrow in the amount of \$2,607.06 overpayment of 2008 taxes. (PID #M374-000-0010-0550).
- YY. Commercial Escrow in the amount of \$7,173.78 overpayment of 2008 taxes. (PID #M374-000-020-3000).
- ZZ. First Savings Bank in the amount of \$2,700.83 overpayment of 2008 taxes. (PID # M633-999-0040-0500).
- AAA. Air Liquide America LP in the amount of \$11,702.59 overpayment of 2008 taxes. (PID #E131-999-0070-7200).
- BBB. Airline International Luggage, Inc., in the amount of \$6,792.69 overpayment of 2008 taxes. (PID #M344-999-0260-1800).
- CCC. Countrywide Tax Services in the amount of \$3,672.66 overpayment of 2008 taxes. (PID #N425-999-0220-2700).
- DDD. J.H. Strachan Ranch & Personal in the amount of \$3,722.79 overpayment of 2008 taxes. (PID #P879-000-0020-0100).
- EEE. Fidelity National Title in the amount of \$2,769.15 overpayment of 2008 taxes. (PID #S075-000-0640-01K0).
- FFF. Ronald White in the amount of \$11,376.83 overpayment of 2008 taxes. (PID #S332-999-0030-3200).
- GGG. Henry L. Thrash in the amount of \$3,534.11 overpayment of 2008 taxes. (PID #S618-999-000N-0100).
- HHH. El Paso Outlet Center Holding, LLC in the amount of \$10,103.89 overpayment of 2008 taxes. (PID #S818-999-0010-0800).
- III. Wells Fargo Home Mortgage in the amount of \$5,920.93 overpayment of 2008 taxes. (PID #T287-999-1370-1700).
- JJJ. American Home Mortgage in the amount of \$3,664.45 overpayment of 2008 taxes. (PID #W145-999-0370-0100).

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8A. BEST VALUE PROCUREMENTS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-063 (Armored Car Services) to Trans America Protection Corporation for a total estimated award of \$216,000.

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|--------------------------|--------------------------------------|
| Department: | International Bridges |
| Award to: | Trans America Protection Corporation |
| | El Paso, TX |
| Items: | All |
| Option: | One year |
| Annual Estimated Amount: | \$72,000 |
| Account No.: | 64010283 – 502212 – 40272 |

Funding Source: International Bridge Revenue – Security Contracts
Total Estimated Award: \$216,000 (3-year total)

This is a 36-month services type contract for Armored Car Services.

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 International Bridges recommend award to Trans America Protection Corporation, the vendor offering the best value bid.

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8B. BEST VALUE PROCUREMENTS

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-084 (Electric Cart Operator Services) to Goodwill Industries of El Paso Inc. for a total estimated award of \$212,418.38.

Department: Airport
Award to: Goodwill Industries of El Paso Inc.
El Paso, TX
Items: All
Option: One year
Annual Estimated Amount: \$ 69,071.88 (1st Year)
\$ 71,673.25 (2nd Year)
\$ 71,673.25 (3rd Year)
Account No.: 62620005 – 502215 – 40101
Funding Source: Airport Operating Funds
Total Estimated Award: \$212,418.38 (3-year total)

This is a 36-month 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 Airport recommend award to Goodwill Industries of El Paso, Inc., the vendor offering the best value bid.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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9. COMPETITIVE SEALED PROPOSAL

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Blair-Hall Co., Inc. who submitted the highest ranked proposal for the Central Recreation Center as per recommendations from the Engineering Department, Parks and Recreation Department, and the City's design consultant. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

Department: Parks and Recreation

Project No.: PMF08002
Funding Source: 2008 Reprogramming
Proposal No.: 2009-078

.....
10A. – 10C. INTRODUCTIONS

Motion made by Representative O’Rourke, 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:

NOT PRESENT FOR THE VOTE: Representative Ortega

- 10A.** An Ordinance vacating a twenty-foot wide alley located between Zaragoza Road and Depot Street within Block 45 of Ysleta Grant, City of El Paso, El Paso County, Texas.
- 10B.** An Ordinance amending Ordinance No. 8961, an Ordinance creating a City Accessibility Advisory Committee, to revise the criteria for membership and the definition of a quorum; and repealing Ordinance Nos. 11194 and 11525, relating to the name and number of members of the committee.
- 10C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Vehicles and Traffic), Section 12.44.160 A. (Parking in Alleys), of the El Paso City Code by applying the regulations of Section 12.44.160 A. to all alleys; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 3, 2009, FOR ITEMS 9A – 9C

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11.

ORDINANCE 17073

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, TAXABLE GENERAL OBLIGATION PENSION BONDS, SERIES 2009;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

Mayor Cook and Representatives O’Rourke, Holguin, Castro, Acosta, Byrd, and Quintana commented.

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

Mr. Paul Braden, Bond Counsel, commented.

Fire Chief Michael Calderazzo, Chairperson of the Firemen and Policemen’s Pension Fund, commented.

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

1ST MOTION

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED, AS REVISED**. 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, Ortega, and O’Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana, and 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.**

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED, AS REVISED.** 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, Castro, 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, AS REVISED.**

.....
12A. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-059 (Concrete Intersection Improvements Artcraft-Upper Valley and Artcraft-Westside Road) to Mesquite Construction Company LLC for a total estimated amount of \$883,226.80.

| | |
|------------------------|-----------------------------------|
| Department: | Engineering |
| Award to: | Mesquite Construction Co., LLC |
| | El Paso, TX |
| Base Bid I: | \$232,716.00 |
| Base Bid II: | \$ 62,320.00 |
| Base Bid III: | \$ 500.00 |
| Base Bid IV: | \$587,690.80 |
| Account No.: | 99331117-508027-27263-PCP06ST012B |
| Funding Source: | 2006 Certificates of Obligation |
| Total Estimated Award: | \$883,226.80 |

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

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

As a part of this award, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Financial Services, Purchasing Division, and Engineering Department recommend award as indicated to the lowest responsive, responsible bidder. Mesquite Construction Company LLC (2nd lowest bid), is the lowest responsive, responsible bidder. Engineering recommends that Armor Construction Company Inc. (the lowest bid) be deemed a non-responsive and non-responsible bidder because Armor Construction Company Inc. and its subcontractor failed to provide documentation that showed experience on projects of similar size and scope.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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12B. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2009-003 (Reverse Telephone Alert System) to Federal Signal Corporation for a total amount of \$570,450.

Department: Fire
Award to: Federal Signal Corporation
University Park, IL
Items: All
First Year Total: \$257,050
Option: 5 years (6 thru 10)
Account No.: 22150024 – 508035 – 07185 – G220803
Funding Source: Fire – Urban Area Security Initiative Grant
Total Award: \$570,450 (includes years 2 thru 5 Maintenance)

The Departments of Financial Services, Purchasing Division, and Fire recommend award to Federal Signal Corporation, the vendor offering the best value bid.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 11:20 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 11:23 a.m.

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13A.

ORDINANCE 17074

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Quintana, 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, Acosta, Castro, 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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13B.

ORDINANCE 17075

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING TITLE 17 (HOUSING), CHAPTER 17.16 (INSPECTIONS AND CERTIFICATES) OF THE EL PASO CITY CODE.**

Representatives Acosta and Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Victor Torres, Director of Development Services, commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Representative Quintana, seconded by Representative O'Rourke, 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, Castro, 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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14.

ORDINANCE 17076

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN IN ITS ENTIRETY.**

Representatives Quintana, Byrd, and Acosta commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball Thomas, Director of Human Resources, commented.

Motion duly made by Representative Acosta, 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, Acosta, Castro, 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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ITEMS TAKEN TOGETHER:

15A.

RESOLUTION

WHEREAS, the Empowerment Zone Division, Community and Human Development Department has established delinquent loan policies and procedures related to the administration of existing business loans in the Empowerment Zone Revolving Loan Fund, which was transferred to the City in June 2007 as part of City administration of Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 through the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, the delinquent business loan procedures for the Empowerment Zone Revolving Loan Fund have been designed to promote efficiency, consistency and expediency in the administration and collection of existing Empowerment Zone business loans and to generate repayment of said loan funds, so that these funds are available as a funding source for new loans to qualifying businesses that are located in the Empowerment Zone; and

WHEREAS, in furtherance of the Department's objectives in providing borrowers with adequate notice and opportunities to restructure or modify their loan obligations to forestall loan delinquency and debt acceleration, City Council desires that certain authorizations be in place in order to expedite standard loan restructuring/modification requests.

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

1. That the Community and Human Development Department Director is authorized to approve, cancel, or deny Empowerment Zone business loan restructure/modification requests provided such actions are in accordance with the Empowerment Zone Division's delinquent business loan procedures for the Revolving Loan Fund, which are attached as Exhibit "A"; and
2. That the City Manager is authorized to execute standard restructuring/modification agreements and any related documents, in accordance with the delinquent business loan procedures, with the review and approval of the City Attorney's Office.

15B.

RESOLUTION

THAT the El Paso Empowerment Zone Grant administrative budget for the period of September 2008 – August 2009, attached hereto as Exhibit "A", is hereby approved.

Representatives Byrd, O'Rourke, Quintana, and Acosta commented.

The following City staff members commented:

- 4. Ms. Joyce Wilson, City Manager
- 5. Mr. William Lilly, Director of Community and Human Development
- 6. Ms. Isela Robison, Empowerment Zone Coordinator
- 7. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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16. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **DIRECT** that the City Manager City-initiate the right-of-way vacation for a portion of a 20-foot wide alley, Block 1, Mills Map, El Paso County, Texas, for the purpose of supporting the Downtown revitalization project known as "Mills Plaza.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Economic Development, commented.

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17A. DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the item for discussion and action on an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC09-00005; 3200 Wheeling, El Paso, Texas, on February 2, 2009, to approve a Certificate of Appropriateness for the referenced property.

Representative Byrd commented.

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17B. DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item for discussion and action on a Resolution that the City Manager be authorized to sign an amendment to the May 6, 2008, Development Agreement by and between the City of El Paso, the El Paso Water Utilities - Public Service Board, and Haciendas Del Rio Partners, LP to amend Exhibit B, Development Plan, to increase the residential lots from 118 to 188 and to modify the cross section to delete the sidewalks. The density will not exceed 2.5 dwelling units per acre as required by the development agreement.

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18. ECONOMIC DEVELOPMENT

Presentation to City Council regarding the unveiling of the New Downtown Website.

Representatives Holguin, Quintana, Castro, Acosta, and Ortega commented.

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

NO ACTION was taken on the item.

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19.

RESOLUTION

Landscape Architectural Services for a project known as "Landscaping, Open Space And Park Design Consultant Services" for an amount not to exceed \$100,000 and that the City Engineer be authorized to approve up to \$25,000 in additional services for a total contract amount not to exceed \$125,000 and;

RESOLUTION

Parkhill, Smith and Cooper for a project known as "Electrical Engineering Consulting" for an amount not to exceed \$100,000 and that the City Engineer be authorized to approve up to \$25,000 in additional services for a total contract amount not to exceed \$125,000 and;

RESOLUTION

Bath Engineering for a project known as "Mechanical Engineering Consulting Services" for an amount not to exceed \$100,000 and that the City Engineer be authorized to approve up to \$25,000 in additional services for a total contract amount not to exceed \$125,000 and;

RESOLUTION

GA Architecture Inc. for a project known as "Architectural Consulting Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Mijares Mora Architects Inc. for a project known as "Architectural Consulting Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Quantum Engineering Consultants Incorporated for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Moreno Cardenas Inc. for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

AIA Engineers, Ltd. for a project known as "Civil Engineering Consulting Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Martinez Engineering Group for a project known as "Traffic Engineering Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Walter P. Moore and Associates for a project known as "Traffic Engineering Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000 and;

RESOLUTION

Huitt-Zollars Inc. for a project known as "Traffic Engineering Services" for an amount not to exceed \$300,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$350,000.

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

Representatives Quintana, Acosta, Ortega, Castro, and Byrd commented.

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolutions.

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20. OFFICE OF MANAGEMENT AND BUDGET

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **ESTABLISH** appropriations for Parks and Recreation capital equipment requirements (\$265,200) using user fee fund balance.

Decrease \$265,200 from User Fee Fund Balance
Increase \$265,200 to Parks Admin DP Equipment

PRESENT FOR THE MOTION BUT NOT FOR THE VOTE: Representative O'Rourke
NOT PRESENT FOR THE VOTE: Representative Ortega

Representatives Holguin, Ortega, Byrd, Quintana, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. David Almonte, Director of Office of Management and Budget
- 3. Ms. Nanette Smejkal, Director of Parks and Recreation

Ms. Lisa Turner, citizen, commented.
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Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 1:15 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk