

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 27, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Jose Alexandro Lozano at 8:41 a.m. during Executive Session deliberations. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. J.M. HANKS HIGH SCHOOL JAZZ FESTIVAL
2. FUTURE FARMERS OF AMERICA (FFA)
3. CENTRAL AND SOUTH TEXAS MINORITY BUSINESS COUNCIL (CSTMBC) FACE TIME EXPO 2007

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. M.A. Saucedo
2. Mr. Steven Strumer
3. Mr. Richard Schecter
4. Mr. Marvin Rosenbaum
5. Mr. Ray Gilbert

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lozano

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:33 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

.....
EX1. Brandon Lee Moon vs. City of El Paso, Texas, et al.; Cause No. SA-06-CA-0925-OG. (551.071).

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

.....
EX2. Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum - Insights. (551.071) and (551.072).

Mr. Richard Schecter, citizen, commented.

NO ACTION was taken on the item.

.....
EX3. Discussion and action on acquiring new facilities for the Parks and Recreation Department's administration and other City departments. (551.071) and (551.072).

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

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

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Presi Ortega, Jr., seconded by Representative O'Rourke, and carried that the City Manager should **PROCEED WITH NEGOTIATIONS** for acquiring new facilities for the Parks and Recreation Department's administration and other City departments.

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

NAYS: Representatives Castro and Holguin

.....
EX4. Discussion and action on the AB Fall Mansion Home. (551.071).

Mayor Cook and Representatives Byrd, Castro, Lozano, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

- 1. Mr. John Karr
- 2. Ms. Lisa Turner
- 3. Mr. Richard Schechter
- 4. Ms. Sharon Olivo
- 5. Mr. Ray Gilbert

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, 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 Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. John Karr an additional fifteen seconds to speak.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City of El Paso **AUTHORIZES** the City Attorney to take any and all action necessary, both affirmative and defensive, as necessary in the lawsuit styled City of El Paso vs. Joseph Sib Abraham, Jr., et al.; cause number 2006-2480, in County Court at Law No. 6, El Paso County, Texas. This Motion is intended to supplement the authority granted by the City Council on April 4, 2006, as well as to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to the authority to initiate an appeal of the Award of Special Commissioners, and the authority to negotiate and enter into a settlement of the dispute at issue in the lawsuit. Further, this motion is intended to grant authority to the City Manager to sign any documents necessary to effectuate any action taken by the City Attorney pursuant to the authority described herein.

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

NAYS: Representatives Lozano, Castro, and Holguin

CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve 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 Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 20, 2007, and the Special City Council Meeting of February 19, 2007 (Agenda Review), and February 21, 2007 (Joint City Council and Public Service Board).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.

3A.

***RESOLUTION**

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

That Mr. Xavier Bañales be reappointed to the Board of Trustees of the El Paso MHMR Center to a full term expiring December 31, 2008, for the position designated to be held by a professional.

.....
3B. RESOLUTION

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

*Motion made, seconded, and unanimously carried to **DELETE** the item.

.....
3C.

***RESOLUTION**

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

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data (Racial Profiling) Annual Report covering the period of January 1, 2006 through December 31, 2006.

.....
4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Amy Estelle Parker to the Cultural Affairs Advisory Board by Representative Beto O'Rourke, District 8.

.....
4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael J. "Mike" Dipp, Jr. to the International Bridge Commission by Mayor John Cook.

.....
5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lisa Degliantoni to the Arts Museum Advisory Board by Representative Beto O'Rourke, District 8.

.....
5B. BOARD APPOINTMENT

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

.....
5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Annette L. Stone to the Community Development Steering Committee, to fill an unexpired term, by Representative Presi Ortega, Jr.

5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Alicia De Jong Davis to the RSVP Advisory Council by Representative Ann Morgan Lilly, District 1.

5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Nestor Valencia to the Art Museum Advisory Board by Representative Beto O'Rourke, District 8.

ADDITION 1. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katherine Reyes-Lara to the Community Development Steering Committee by Representative Eddie Holguin, Jr., District 6.

6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services Department to exercise the City's option to extend Contract 2005-088 (High Pressure Coupled Hose Line & Hose Machines) which was awarded on March 22, 2005, to Granberry Supply Corporation for two additional years from March 22, 2008, to March 21, 2010.

Department: General Services Department- Fleet Division
Option No.: One of One
Total Estimated Award: \$90,000.00 (two year extension)
Account No.: 37370510 – 503121 - 45202
Funding Source: Fleet Services Internal Service Fund

6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services Department to exercise the City's option to extend Contract 2004-061R (Airport Financial & Planning Services & Master Plan Update) which was awarded on March 9, 2004, to Ricondo & Associates for one (1) additional year from March 10, 2007, through March 9, 2008.

Department: Department of Aviation
Funds Available: 62620001 – 502215 - 40101
Funding Source: Airport Operating Fund
Total Estimated Award: \$300,000.00

7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-108 (Rental Services for Landfill Compactor-Rebid) to Wagner Equipment Company for the rental period of approximately five months.

Department: Environmental Services
Award to: Wagner Equipment Company
El Paso, Texas
Item(s): 1A

Option: Vendor offers the City the option to extend the term of the contract at the same unit price for an additional six month period if the option is exercised within six months from the date of award.

Account No.: 502408 – 40403 - 34010296
Funding Source: Vehicles-Leases
Total Estimated Award: \$125,000.00

This is a requirements type contract with an initial term of an estimated six (6) months.

The Departments of Financial Services and Environmental Services recommend award as indicated above to this responsive, responsible bidder.

.....
7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-083 (Fuel System Components) to Main Auto Parts.

Department: General Services-Fleet
Award to: Main Auto Parts
El Paso, Texas
Item(s): Group I, 1 and 2, Automotive and Light Truck Applications
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Account No.: 37370510 - 503121 - 45202
Funding Source: General Services-Fleet Division Internal Service Fund
Total Estimated Award: \$75,000.00

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

Vendor also offers the City a prompt payment discount of 2% 20 days.

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

.....
7C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-063 (McNeilus Aftermarket Parts) to Equipment Southwest, Inc.

Department: General Services-Fleet Division
Award to: Equipment Southwest, Inc.
Irving, Texas
Item(s): Group A, 1 and Group B, 1
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for one or two additional years if the option is exercised within one or two years from the date of the award.

Account No.: 37370510 – 503121 - 45202
Funding Source: General Services-Fleet Division Internal Service Fund
Total Estimated Award: \$375,000.00

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

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

.....
8A. – 8D. INTRODUCTIONS

Motion made by Representative Lozano, seconded by Representative 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:

- A. An Ordinance incorporating the Open Space Master Plan into the City's Comprehensive Plan, The Plan for El Paso, and which plan shall Amend the Plan for El Paso.

PUBLIC HEARING WILL BE HELD ON MARCH 13, 2007, FOR ITEM 8A

- B. An Ordinance changing the zoning of Lot 41, Block 100, Chaparral Park Unit 22 Replat A, City of El Paso, El Paso County, Texas, from C-2/C (Commercial/Condition) to P-R I/C (Planned Residential I/Condition) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Westwind Drive and North of La Placita Avenue. Applicant: Boulder Canyon, LP. ZON06-00159

An Ordinance granting Special Permit No. ZON06-00162 to allow for a parking reduction on the property described as Lots 11-14, Block 146, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 300 Florence Street. Applicant: ORW y Mas Enterprises, LLC. ZON06-00162

- C. An Ordinance changing the zoning of a portion of H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from R-3A (Residential) to P-R I (Planned Residential I), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Franklin Hills Street and North of High Ridge Drive. Applicant: Franklin Hills 8 L.P. ZON06-00157
- D. An Ordinance changing the zoning of a portion of H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from R-3A (Residential) to P-R I (Planned Residential I), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Franklin Hills Street and North of High Ridge Drive. Applicant: Franklin Hills 8 L.P. ZON06-00157

PUBLIC HEARING WILL BE HELD ON MARCH 20, 2007, FOR ITEMS 8B – 8D

.....
9A.

ORDINANCE 16565

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 11 AND 12, BLOCK 7, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO P-R 1 (PLANNED RESIDENTIAL/1) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

.....
ITEMS TAKEN TOGETHER:

9B.

ORDINANCE 16566

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: ALL OF BLOCKS 60 AND 65 AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE, MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM SRR (SPECIAL RESIDENTIAL REVITALIZATION) TO S-D (SPECIAL DEVELOPMENT); PARCEL 2: ALL OF BLOCK 66 AND A PORTION OF THIRD AVENUE, MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM SRR (SPECIAL RESIDENTIAL REVITALIZATION) TO S-D (SPECIAL DEVELOPMENT); PARCEL 3: A PORTION OF BLOCK 55 AND ALL OF BLOCKS 58 AND 67 AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE, MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SRR (SPECIAL RESIDENTIAL REVITALIZATION) TO S-D (SPECIAL DEVELOPMENT); AND, PARCEL 4: A PORTION OF BLOCK 56 AND ALL OF BLOCKS 57 AND 68, MAGOFFIN ADDITION, AND A PORTION OF BLOCK 109 AND ALL OF BLOCKS 110 AND 142, CAMPBELL ADDITION, AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE, CITY OF EL PASO, EL PASO COUNTY TEXAS, FROM SRR (SPECIAL RESIDENTIAL REVITALIZATION) TO S-D (SPECIAL DEVELOPMENT).**

9C.

ORDINANCE 16567

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00133 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS PARCEL 1: ALL OF BLOCKS 60 AND 65 AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE (VACATED RIGHT-OF-WAY), MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; PARCEL 2: ALL OF BLOCK 66 AND A PORTION OF THIRD AVENUE (VACATED RIGHT-OF-WAY), MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; PARCEL 3: A PORTION OF BLOCK 55 AND ALL OF BLOCKS 58 AND 67 AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE (VACATED RIGHT-OF-WAY), MAGOFFIN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND PARCEL 4: A PORTION OF BLOCK 56 AND ALL OF BLOCK 57, MAGOFFIN ADDITION, AND A PORTION OF BLOCK 109 AND ALL OF BLOCK 110, CAMPBELL ADDITION, AND PORTIONS OF THIRD AVENUE AND FOURTH AVENUE (VACATED RIGHT-OF-WAY), CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Ms. Kelly Carpenter, Director of Planning, commented.

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

AYES: Representatives Lilly, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
ABSTAIN: Representative Byrd (affidavit to recuse on file in City Clerk's Office)
NOT PRESENT FOR THE VOTE: Representative Castro

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

.....
9D.

ORDINANCE 16568

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 11388 WHICH CHANGED THE ZONING OF A PORTION OF LOT 1, BLOCK 6, AMERICAS TEN SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS AND RELEASING OTHER CONDITIONS PLACED ON THE PROPERTY BY CONTRACT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Director of Planning, presented a PowerPoint presentation.

Representative Holguin commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro

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

.....
ITEMS TAKEN TOGETHER:

9E.

ORDINANCE 16569

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1 – 3, BLOCK 12, EAST EL PASO SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

9F.

ORDINANCE 16570

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00151 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1-3, BLOCK 12, EAST EL PASO SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Ms. Kelly Carpenter, Director of Planning, commented.

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

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

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

.....
10. PUBLIC HEARING - ENGINEERING

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

.....
11.

RESOLUTION

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

WHEREAS, during the summer of 2006, the City of El Paso was subject to a 100 year flood event;

WHEREAS, the summer of 2006 flood event caused significant impact to public housing and property and endangered the lives of the residents of El Paso;

WHEREAS, the levee system along the Rio Grande River has been maintained; however degradation has occurred that needs attention to get it back to its design elevation;

WHEREAS, dredging of the sediment in the Rio Grande River has taken place in various areas to a minimal amount since the year 1994;

WHEREAS, the President of the United States declared the City of El Paso in a state of emergency due to the heavy flooding that occurred in the summer of 2006;

WHEREAS, it is highly possible that flooding events will reoccur during the upcoming summer of 2007 thus creating a risk to public safety;

WHEREAS, the International Boundary and Water Commission is responsible for the maintenance of the levee system and the dredging of sediment along the Rio Grande River;

WHEREAS, Commissioner Carlos Marin of the International Boundary and Water Commission cannot certify the levees without immediate upgrades to the levee system in the upper portion of the City of El Paso along the Rio Grande River;

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

THAT, the City of El Paso officially requests that the International Boundary and Water Commission take some immediate action to remove the sediment of the river in those areas needed, especially in areas close to the Chamizal, Yarbrough Street, the Upper Valley; the Chihuahuita Neighborhood, and the greater downtown area; and further that Commissioner Carlos Marin of the International Boundary and Water Commission provide the City of El Paso with a plan and timeline to achieve certification of the levee system, and a plan on how the International Boundary and Water Commission will protect public safety in the event of another flooding event during the upcoming summer of 2007.

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

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, provisional City Engineer and Director of Development Services, commented.

The following members of the public commented:

1. Mr. Carlos Marin, U.S. Commissioner of the International Boundary and Water Commission
2. Ms. Lisa Turner

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **APPROVE THE RESOLUTION AS REVISED**.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....
Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **RECESS** the City Council Meeting at 11:10 a.m. in order to convene the Mass Transit Department Board Meeting.

.....
Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 11:23 a.m.

12.

RESOLUTION

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

WHEREAS, new development in the Medical Center of the Americas, a campus of medical facilities of approximately 25 acres in the proposed Paso Del Norte Region Downtown El Paso will serve to boost the tax base of the City directly and indirectly, and ultimately assist in relieving the tax burden of all citizens; and

WHEREAS, the MEDICAL CENTER OF THE AMERICAS FOUNDATION, hereinafter referred to as MCA, a non-profit corporation organized under the laws of the State of Texas and pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code has engaged world-class planners to develop the Master Plan for the above area; and

WHEREAS, on October 23, 2006, the El Paso City Council authorized the City Manager "to negotiate the terms of the contractual obligations for a Master Plan" with the MCA, and committed funding for the Master Plan development; and

WHEREAS, an Agreement has been negotiated with MCA to provide the terms under which MCA will develop the Master Plan and the City will contribute funding to offset a portion of the costs of such Plan, to monitor MCA's performance in development of the Plan, and to incorporate activities necessary for such Plan to append the City's comprehensive plan;

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

THAT the City Manager be authorized to sign the Agreement between the City and MCA providing for the development by MCA of a Master Plan for the Medical Center of the Americas and the contribution by the City of an amount not to exceed \$250,000.00 to offset a portion of the costs of the development of the Plan, and that the City Manager be authorized to sign any related documents which might be necessary to accomplish such purpose.

Mayor Cook and Representatives Castro, Holguin, Lozano, Steve Ortega, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Patricia Adauto, Deputy City Manager of Development and Infrastructure Services
3. Ms. Carmen Arrieta-Candelía, Chief Financial Officer

The following members of the public commented:

1. Mr. Richard Schechter
2. Mr. Ray Gilbert
3. Ms. Emma Schwartz, Executive Director of the Medical Center of Americas Foundation

Motion made by Representative Lozano, seconded by Mayor Pro Tempore Presi Ortega, Jr., and carried to **APPROVE** the Resolution.

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

NAYS: Representative Holguin

.....
13.

RESOLUTION

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

That the City Manager be authorized to execute a Local Project Advance Funding Agreement (LPAFA) by and between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for this LPAFA is described as a voluntary local government contribution with no match required for the Global Reach Extension and Inner Loop Projects. The City's contribution to these projects is ten million and 00/100 dollars (\$10,000,000.00) and a portion of the right-of-way located on City of El Paso property that is managed by the Department of Aviation that is within the Federal Aviation Administration's approved El Paso International Airport Layout Plan.

Mayor Cook and Representative Lozano commented.

Mr. Raymond Telles, Assistant City Attorney, gave legal advice and Mr. Pat Abeln, Director of Aviation, commented.

Motion made by Representative Lozano, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **APPROVE** the Resolution and the agreement as revised.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
14. BUDGET TRANSFER

BT2007-490 COMMUNITY DEVELOPMENT - HOME Program Income.

This budget transfer is to appropriate the HOME Program Income Loan funds into the accounts for the multi-family and owner-occupied rehabilitation project funds.

Increase	\$1,267,961.50	to	Miscellaneous Operating Revenue
Increase	\$1,000,000.00	to	Multi-Family Housing Rehabilitation
Increase	\$ 267,961.50	to	Single Family Housing Rehabilitation

Representative Byrd commented.

Mr. William Lilly, Director of Community and Human Development, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

.....
15.

RESOLUTION

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

WHEREAS, on May 31, 2006, the SOAH Dock No. 473-06-2536, Texas Public Utility Commission (the "**PUC**") Docket No. 32766, Application of Southwestern Public Service Company ("**SPS**") for: (1) Authority to Change Rates; (2) Reconciliation of its Fuel Costs for 2004 and 2005; (3) Authority to revise the Semi-Annual Formulae originally approved in Docket No. 27751 used to adjust its Fuel Factors; and (4) related relief (the "**Docket**") was filed;

WHEREAS, an issue has arisen in the case which El Paso Electric Company ("**EPE**") advises my affect the rates charged by SPS to EPE's ratepayers;

WHEREAS, the City has reason to believe that, if the PUC should ultimately decide the issue in favor of having SPS increase its prices to EPE under this contract, the benefits to the City and each of its residents of a long-term wholesale sale from SPS to EPE may be placed in jeopardy; and

WHEREAS, the City desires to support the position in this proceeding that SPS' current method of assigning system average fuel costs to EPE remain unchanged.

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

THAT the City Manager is hereby authorized to sign and file a letter with the PUC relating to the Docket in support of EPE's position that SPS' current method of assigning system average fuel costs to EPE remain unchanged.

Mayor Cook and Representatives Lozano, Holguin, Byrd, and Castro commented.

Mr. Norman Gordon, Outside Counsel, and Mr. Casey Wren, Public Utility Commission, commented.

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

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and Holguin

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Lozano

16.

RESOLUTION

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

WHEREAS, the City Council of the City of El Paso (the "**City**") has previously approved resolutions authorizing the City's participation in procurement programs to expedite the purchasing process by utilizing other government agency's existing contracts that have already satisfied the Texas procurement statute;

WHEREAS, on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the purchasing programs of the State of Texas Department of Information Resources (the "**DIR Program**") pursuant to the authority granted by Chapter 271, Sections 271.081-271.083 of the Texas Local Government Code;

WHEREAS, on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the Texas Building and Procurement Commission (the "**BPC Program**") pursuant to Chapter 271, Section 271.082-271.033 of the Texas Local Government Code;

WHEREAS, on July 5, 2006, the City Council approved a resolution authorizing the City's participation in the U.S. Communities Purchasing Alliance program (the "**U.S. Communities Program**") pursuant to Chapter 791 (Interlocal Cooperation Contracts) of the Texas Government Code;

WHEREAS, in accordance with the requirements of the above mentioned Programs, the *Agent of Record* shall be the City Manager or her designee whom shall be authorized to execute any and all documents for the City pertaining to its participation in these Programs and pay any required participation fees;

WHEREAS, the City has reviewed the benefits of participating in said programs and has concluded that the program benefits the City through procurement efficiencies cost and savings. Consequently, the City desires to continue to participate in and utilize the contracts offered through such programs; and

WHEREAS, the City desires to further expedite the procurement process by authorizing the City Manager or designee to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to

exceed One Hundred Thousand Dollars (\$100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

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

THAT the City continue to participate in the DIR Program, the BPC Program, and the U.S. Communities Program and that the City Manager or designee act as the *Agent of Record* and be authorized to execute any and all documents necessary for the City's participation in these Programs and pay any required participation fees; and

THAT the City expedite the procurement process by authorizing the City Manager or designee to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelina, Chief Financial Officer
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Aurelia Roque
2. Ms. Lisa Turner

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

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

17. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

*Motion made, seconded, and unanimously carried to **DELETE** the item.

ADDITION 2. MAYOR AND COUNCIL

Discussion and action on reconsidering the wording on the plaque to be placed on the Equestrian Statute, and it should include all past administrations of Mayor and Council from 1997 to 2007; but should not include the present Mayor and Council Representatives. The plaque should also include the birth place of Onate, a Mexican-born citizen.

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Ms. Jody Schwartz, XII Traveler's Board
2. Mr. J.B. Kelly
3. Ms. Lisa Turner
4. Mr. Jack Niland

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. J.B. Kelly an additional two minutes to address Council.

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Jack Niland to address Council after the sign-up period.

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Jack Niland an additional two minutes to address Council.

NO ACTION was taken on the item.

.....
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **ADJOURN** this meeting at 1:24 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk