

**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  
MARCH 9, 2010  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor Pro Tempore Emma Acosta present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:38 a.m. during Executive Session deliberations and Ann Morgan Lilly at 8:44 a.m. during Executive Session deliberations. Absent: Mayor John F. Cook requested to be excused. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **OPERA MONTH**
2. **MULTIPLE SCLEROSIS EDUCATION AND AWARENESS MONTH**
3. **NATIONAL NUTRITION MONTH**
4. **WOMEN IN CONSTRUCTION WEEK**

**RECOGNITION**

**Neighborhood Leadership Academy**

**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](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. Ray Gilbert
2. Mr. Raul Castaneda
3. Mr. Lynn Fitzgerald

Motion made by Representative Robinson, 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.

NOT PRESENT FOR THE VOTE:   Representatives Lilly and Holguin

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

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**EX1.** 5100 El Paso Drive. (551.071 and 551.072)

**Whereas**, the City of El Paso has a public need to purchase land for the expansion and improvement of portions of El Paso Drive, El Paso, Texas public right of way near the Texas Tech Medical School for the public safety and welfare of the citizens of El Paso, (the "Project"), which Project is shown on the attached Exhibit "A" and involves portions of the real property described as follows (the "Land"):

Tract 34, and 34 A, Elijah Bennett Survey No. 11, in the City of El Paso, El Paso County, Texas, according to the resurvey of said Elijah Bennett Survey No. 11 made by El Paso County, Texas for tax purposes; and

**Whereas**, 5100 El Paso Drive, LLC owns in fee title an approximately 16,883 square foot (0.388 acre) parcel that is required for the Project, and that is more fully described by metes and bounds on the attached Exhibit "B-1" and is shown by the site plan on the attached Exhibit "B-2" (the 5100 Parcel); and

**Whereas**, the majority of the Land is subject to three ground leases (the "Ground Leases") between 5100 El Paso Drive, LLC and the University of Texas System or is used to provide parking for certain subleases of 5100 El Paso Drive, LLC (the Subleases), and 3,883 square feet out of the Ground Leases is also being taken for the Project (the "UT Parcel) as shown on Exhibit B-2; and

**Whereas**, this public improvement Project is for public use and consistent with and in furtherance of the City's improvement plans as recommended by Engineering staff and if the Project is not completed the citizens of the City of El Paso will suffer the adverse consequences of inadequate roads and inadequate loading capacity and insufficient public improvements; and

**Whereas**, City Council prefers to purchase the 5100 Parcel and pay for any damages related to the interest of 5100 El Paso Drive, LLC in or under the Ground Leases or the Subleases through voluntary negotiations, but if such negotiations fail, City Council recognizes that a single parcel owner cannot be allowed to control, unreasonably delay or prohibit a public right of way expansion and or improvement project that is for the benefit of all of the citizens of EL Paso.

Motion made by Representative Byrd, seconded by Representative Lilly, and carried that

(1) The City is authorized to acquire the 5100 Parcel, and pay damages and other costs related to the 5100 Parcel or to the Ground Lease or Sublease interests of 5100 El Paso Drive, LLC and (2) if the City and 5100 El Paso Drive, LLC are unable to agree on the taking, the amount of the purchase price, the amount of any relocation payments or the amount of any damages resulting from the taking or related to the interests of 5100 El Paso Drive, LLC in the Ground Leases and Subleases, the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary to address the acquisition of the interest of 5100 El Paso Drive, LLC for the expansion and improvement of portions of El Paso Drive, including but not limited to the initiation of and response to litigation, complaints and any other administrative or judicial proceeding or process including, through eminent domain.

**The City of El Paso finds:** (1) the existence of a public need to acquire the 5100 Parcel and the UT Parcel for the non-exclusive purposes of providing adequate roads and loading capacity for public use; (2) the public improvement project for which the above-described property is required is for public use and consistent with and in furtherance of the City’s improvement plans as recommended by City Engineering staff; (3) if the project is not completed the City of El Paso will suffer the adverse consequences of inadequate roads, inadequate loading capacity and insufficient public improvements; and (4) the location, nature and extent of the property acquisition is reasonable and necessary.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O’Rourke  
NAYS: Representative Holguin

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**CONSENT AGENDA**

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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

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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 March 2, 2010.

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**2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the regular City Council meeting of March 9, 2010.

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding, between the City of El Paso and Local 51, International Association of Firefighters, Inc. for the implementation of a pilot program that will grant compensatory time in lieu of overtime for participation in certain types of specialty training.

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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to the Lease Agreement by and between the Advocacy Center for the Children of El Paso (“Lessor”) and the City of El Paso (“Lessee”) dated June 4, 2002, with regard to a portion of the building located at 1100 E. Cliff, El Paso, Texas, for the purpose of changing the term from a month-to-month tenancy to a three-year lease and adjust the rental rate.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Belinda M. Luna to the Art Museum Advisory Board by Representative Emma Acosta, District 3.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Angel F. Quintana to serve on the Committee on Border Relations by Representative Rachel Quintana, District 5.

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**4C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Trinidad Acevedo to the Community Development Steering Committee to fill an unexpired term by Representative Beto O'Rourke, District 8.

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**5. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders to El Paso County District Hospital d/b/a University Medical Center of El Paso to purchase medical supplies and pharmaceutical drugs in conjunction with the ongoing Interlocal Agreement dated April 25, 1989, between the City of El Paso and the El Paso County Hospital District (University Medical Center of El Paso). Total estimated amount is \$100,000.

Department: Fire  
Funding Source: General Fund  
Total Estimated Amount: \$100,000  
Reference No.: 2000-153

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**6A. BID**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Blair-Hall Company, Inc., who submitted the highest ranked proposal for the EPIA Baggage Make-Up Canopy project, as per recommendations from the Engineering Department. 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.

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**6B. BID**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with CK Construction Inc., who submitted the highest ranked proposal for the Father Pete Martinez Senior Citizen Center Addition project, as per recommendations from the Engineering Department. 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.

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**6C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-101 for the Parks Upgrade 2009 – Parks Proportionality to A & R Contractors for a total amount of \$274,040.

Award to: A & R Contractors  
Base Bid I: \$250,000  
Option 1: \$ 5,300  
Option 2: \$ 18,740  
Funding Source: 2008 Reprogramming

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

As a part of this award, upon the review of the City Attorney, 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 design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, without further authorization by City Council.

This is a low bid, lump-sum contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

Representative Quintana commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

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**6D. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-066 (Audio/Visual Materials – All Languages, Adult and Juvenile) to Baker & Taylor for a total estimated award of \$120,000.

Department: El Paso Public Library  
Award to: Baker & Taylor  
Charlotte, NC  
Items: All  
Option: One or two years  
Annual Estimated Amount: \$40,000  
Funding Source: General Fund  
Total Estimated Award: \$120,000 (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 El Paso Public Library recommend award to Baker & Taylor, the vendor offering the best value bid.

Representative Quintana commented.

Ms. Carol Brey-Casiano, Director of Libraries, commented.

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**6E. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-086 (Transport Carts) to Medley Material Handling, Green Go Tek, LLC, and FMH Material Handling Solutions, Inc. for a total award of \$100,787.05.

Department: General Services – Fleet Division  
Award to: Vendor 1 Medley Material Handling (Alternate Bid)  
El Paso, TX  
Items: 1 and O1  
Amount: \$18,590.00

Award to: Vendor 2 Green Go Tek, LLC (Alternate Bid)  
Milford, MI  
Items: 2 and O2  
Option: Same unit price if exercised within sixty and ninety days of award date  
Amount: \$8,050.00

Award to: Vendor 3 FMH Material Handling Solutions, Inc.  
El Paso, TX  
Items: 3, 4, O3, and O4  
Option: Same unit price if exercised within sixty and ninety days of award date  
Amount: \$74,147.05

Funding Source: Vehicular Equipment – Capital Fund  
Total Estimated Award: \$100,787.05

This is a fixed-price, single (one-time) purchase.

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

The Departments of Financial Services, Purchasing Division, and General Services, Fleet Division, recommend award to Medley Material Handling, Green Go Tek, LLC, and FMH Material Handling Solutions, Inc., the vendors offering the best value bid.....

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**7. BUDET TRANSFERS**

\*Motion made, seconded, and unanimously carried to **APPROVE** a budget transfer, as per City Council direction, to establish necessary appropriations in Parks and Recreation to pay for four additional locations for Midnight Basketball and to increase the activity level for one center to be funded from District 2 discretionary funds in an amount of \$2,084. That discretionary funds be authorized to establish a program in District 1 in an amount of \$2,834 and District 8 will utilize discretionary funds previously approved by Council in an amount of \$2,834 for a site to be determined.

Decrease \$5,668 from Operating Contingency/Res  
Increase \$1,408 to Part Time Temp Civilian  
Increase \$ 900 to Recreational Supplies  
Increase \$ 600 to Security Contracts

Increase \$2,760 to Rec & Cultural Contracts

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**8A. – 8G. INTRODUCTIONS**

Motion made by Representative Quintana, 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 O'Rourke

- 8A.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), Section 2.16.050 (Special Exceptions), of the El Paso City Code to amend the Special Exceptions for front, side street, and rear yard setbacks, reduction of off street parking requirements, and carport over a driveway. The penalty is as provided in Chapter 20.24 (Enforcement-Penalty) of the El Paso City Code.
- 8B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.48 (Loading Zones, Bus and Taxistands), Section 12.48.040 (Public Carrier Stops, Stands, and Routes – Authority to Designate), requiring the Traffic Engineer to designate routes and stops for passenger common-carrier vehicles and repealing Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.081 (Schedule VIIIA – Common Carrier Passenger Route Established); the penalty being as provided in Chapter 12.84 (Violations – Penalty) of the El Paso City Code..
- 8C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking Prohibited during Certain Hours on Certain Streets), Subsection J (No Parking 7:00 a.m. to 4:00 p.m.), of the El Paso City Code by adding Hadlock Street from a point 50 feet south of Alameda Avenue to Dunne Avenue, west side only; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 8D.** An Ordinance amending Ordinance No. 16324, amended by Ordinance No. 17165 relating to the Public Art Program, to exclude information technology projects.

**PUBLIC HEARING WILL BE HELD ON MARCH 16, 2010, FOR ITEMS 8A – 8D**

- 8E.** An Ordinance changing the zoning of a portion of Lot 18, Block 30, Pebble Hills Unit Three, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8F.** An Ordinance changing the zoning of Lots 11 to 18, Block 47, Campbell Addition, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Lot 1, Block 300, Vista Del Sol Unit 62, Replat A, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing) to C-2 (Commercial), and imposing conditions; and Parcel 2: a portion of Lot 1, Block 300, Vista Del Sol Unit 62, Replat A, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing) to A-3 (Apartment), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MARCH 30, 2010, FOR ITEM 8E – 8G**

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**9. ENGINEERING**

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2010-121 for the Borderland Area Street & Drainage Improvement Phase 7 to J.A.R. Concrete, Inc. d/b/a JAR Construction, Inc. for a total estimated amount of \$651,328.05.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Award to:	J.A.R. Concrete, Inc. d/b/a JAR Construction, Inc.
Base Bid I	\$552,426.25 – CDBG
Base Bid II	\$97,151.80 – Water
Base Bid III	\$1,750.00 – Sewer
Funding source:	Community Development Block Grant - 34th year El Paso Water Utilities Public Service Board

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, upon the review of the City Attorney and 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 unit prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

Representative Holguin commented.

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

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**10A. FINANCIAL SERVICES**

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2010-061 (English Language Adult and Juvenile Books) to Baker & Taylor for a total estimated award of \$1,050,000.

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

Department: El Paso Public Library  
Award to: Baker & Taylor  
Charlotte, NC  
Items: All  
Option: One or two years  
Annual Estimated Amount: \$350,000  
Funding Source: General Fund  
Total Estimated Award: \$1,050,000 (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 El Paso Public Library recommend award to Baker & Taylor, the vendor offering the best value bid.

Representative Quintana commented.

Ms. Carol Brey-Casiano, Director of Libraries, commented.

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**10B. FINANCIAL SERVICES**

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **AWARD** Solicitation No. 2010-003 (Vehicles – Police Department) to Casa Ford for a total estimated amount of \$3,251,867.40.

Department: General Services – Fleet Division  
Award to: Casa Ford  
El Paso, TX  
Items: 1, 4, 5, 6, and 7  
Optional Items O3, O4, O5  
Option: Extending the term of the contract through the manufacturer’s build-out date for model year 2012 and 2013 vehicles.  
Funding Source: Vehicular Equipment – Capital Fund  
Total Estimated Award: \$3,251,867.40

This is a 12-month requirements type contract for vehicles for the Police Department.

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

The Departments of Financial Services, Purchasing Division, and General Services, Fleet Division, recommend award to Casa Ford, the vendor offering the best value bid.

Representatives Acosta, Ortega, Holguin, Robinson, and Byrd 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. Mr. Stuart Ed, Director of General Services
- 4. Assistant Police Chief Eric Shelton

Mr. Patrick Quinn, Fleet Lease/Internet Manager for Dick Poe Dodge, commented.

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**11A.**

**ORDINANCE 17283**

The City Clerk read an Ordinance entitled: **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.**

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

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

Whereupon the Mayor Pro Tempore 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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**11B.**

**ORDINANCE 17284**

The City Clerk read an Ordinance entitled: **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.**

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

Representative Quintana commented.

Mr. Conrad Conde, representing the applicant, commented.

Motion duly made by Representative Quintana, seconded by Representative Byrd, that the Ordinance be **ADOPTED WITH THE DETAILED SITE DEVELOPMENT PLAN**. Whereupon the Mayor Pro Tempore

ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED WITH THE DETAILED SITE DEVELOPMENT PLAN.**

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**11C.**

**ORDINANCE 17285**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE PLAN FOR EL PASO AND THE YEAR 2025 GENERAL LAND USE MAP BY ADOPTING THE EL PASO HISTORIC PRESERVATION PLAN.**

Mr. Tony De La Cruz, Development Services Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Quintana, Ortega, and Byrd commented.

Motion duly made by Representative Quintana, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS AMENDED TO INCLUDE A MATRIX FOR SUCCESS THAT WILL BE PRESENTED TO THE COUNCIL AT THE TIME OF THE BUDGET.** Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS AMENDED TO INCLUDE A MATRIX FOR SUCCESS THAT WILL BE PRESENTED TO THE COUNCIL AT THE TIME OF THE BUDGET.**

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**12.**

**ORDINANCE 17286**

The City Clerk read an Ordinance entitled: **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.**

Representative Quintana presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
3. Assistant Police Eric Shelton

4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Richarda Momsen, Municipal Clerk

The following members of the public commented:

1. Mr. Larry Nance
2. Mr. John Joyner, Jr.
3. Ms. Lisa Turner
4. Mr. Jerry Thiedt
5. Mr. Bill Palmer
6. Mr. Lynn Fitzgerald
7. Ms. Patricia McLean
8. Mr. Rafael Padilla
9. Mr. Bob Geyer
10. Mr. Raul Castaneda

**1<sup>ST</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Nance an additional minute to address the Council.

**2<sup>ND</sup> MOTION**

Motion made by Representative Quintana, seconded by Representative Byrd, and carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Palmer an additional minute to address the Council.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke  
 NAYS; Representative Robinson

**3<sup>RD</sup> AND FINAL MOTION**

Motion duly made by Representative Quintana, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS REVISED WITH THE REMOVAL OF THE EXEMPTION OF EMERGENCY VEHICLE PERSONNEL**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED WITH THE REMOVAL OF THE EXEMPTION OF EMERGENCY VEHICLE PERSONNEL**.

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 The City Council Meeting **RECESSED** at 12:13 p.m. and **RECONVENED** at 12:30 p.m.  
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**13. PUBLIC HEARING – ENVIRONMENTAL SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete references to the El Paso Downtown Management District and to address solid waste collection and related service in a designated required commercial collection zone; to clarify Class B Generators in Section 9.04.040; adding requirements for the use of Class C-1 Containers in Section 9.04.050; adding requirements for certain temporary events and activities in Section 9.04.190; to clarify the frequency of collection services in Section

9.02.220, the penalty in Section 9.04.390 and the adoption of fees in Section 9.04.400A and 9.04.400C; the penalty as provided in Section 9.04.390 of the El Paso City Code.

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**14A. MAYOR AND COUNCIL – Legislative Review Committee Report**

1. For notation: Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on February 25, 2010, as submitted by Representative Steve Ortega, Chair; and,
2. Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Review Committee meeting, as follows:

Discussion and action on the creation of a Smart Code Development Incentive Policy.

Representative Ortega commented,

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

**NO ACTION** was taken on the item.

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**14B. MAYOR AND COUNCIL**

Discussion and action on potential City Code amendments to allow outdoor booth or table sales at City senior centers and similarly situated locations.

Ms. Elaine Hengen, Senior City Attorney, presented a PowerPoint presentation (on file in the City Clerk’s office) and gave legal advice.

Representatives Holguin, Byrd, and Acosta commented.

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

**NO ACTION** was taken on the item.

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**15. ECONOMIC DEVELOPMENT**

**1<sup>ST</sup> MOTION**

Motion made by Representative O’Rourke, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert an additional two minutes to address the Council.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative O’Rourke, seconded by Representative Lilly, and carried to **APPROVE** the policy direction to negotiate terms for the creation of a Tax Increment Reinvestment Zone (TIRZ) for the Montecillo development project.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O’Rourke

NAYS: Representative Holguin

Representatives Acosta and O’Rourke commented.

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

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Ray Gilbert
- 3. Ms. Lisa Turner

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**16A. FINANCIAL SERVICES**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the City Manager to implement a Four-Ten Work Week for the period of May 1, 2010, through September 30, 2010, and for subsequent years as designated by the City Manager.

Representative Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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**ITEMS TAKEN TOGETHER:**

**16B.**

**RESOLUTION**

That the City Manager or her designee be authorized to locate sites in the proximity to the real estate owned by the City of El Paso in the Medical Center of the Americas Planning Area; to negotiate for the acquisition of the sites; and to bring contracts to City Council for approval once the sites are selected and negotiations completed.

**16C.**

**RESOLUTION**

That the City Manager or her designee be authorized to locate a site suitable for use as a neighborhood park in the Magoffin area of Central El Paso; to negotiate for the acquisition of the site; and to bring a contract to City Council for approval once the site is selected and negotiations completed.

**16D.**

**RESOLUTION**

That the City Manager or her designee be authorized to locate a site suitable for use as a regional fire department facility in the University Medical Center area; to negotiate for the acquisition of the site; and to bring a contract to City Council for approval once the site is selected and negotiations completed.

Representatives Acosta and Robinson commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Liza Ramirez-Tobias, Capital Assets Manager
- 3. Assistant Fire Chief Manuel Chavira

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

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**17.**

**RESOLUTION**

**WHEREAS**, the City of El Paso (“City”) has been awarded Transportation Energy Efficient Alternative Fuels and Technology Stimulus Grant funds (RFA No. TR-AG1-2010) through the Texas Comptroller of Public Accounts, originating from American Recovery and Reinvestment Act of 2009, Public Law 111-5 (2009) (“ARRA”) funds; and

**WHEREAS**, the City's use of said funds will be to acquire electric vehicle charging stations for installation in various locations in the City; and

**WHEREAS**, the City will provide a non-cash, in-kind match consisting of labor and material to install said charging stations, and also consisting of the City land value on which the stations will sit.

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

That the City Manager be authorized to sign a contract with the Comptroller Of Public Accounts accepting the Transportation Energy Efficiency Alternative Fuels and Technology Stimulus Grant in the amount of \$256,000.00 to acquire thirty-two (32) electric vehicle charging stations, with a non-cash in-kind match of \$51,200.00 made by the City of El Paso. The City’s in-kind match will consist of labor and material to install thirty-two (32) electric vehicle-charging stations, and the City of El Paso land value on which the stations will sit.

Mr. Marty Howell, Sustainability Manager, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Quintana, Byrd, and Robinson commented.

Ms. Lisa Turner, citizen, commented.

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

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 1:49 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk