

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
MARCH 10, 2009
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:07 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, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Emma Acosta at 9:08 a.m. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. EL PASO OPERA WEEK**
- 2. CAPTAIN DAVID TOKOPH DAY**

RECOGNITION

3RD 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 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. Mr. Jorge Artalejo
3. Mr. Lynn Fitzgerald
4. Mr. Arthur Ward

Mayor Cook and Representative O'Rourke commented.

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

.....
CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, 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, 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 March 3, 2009.

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

NO ACTION was taken on this item.

.....
3A.

***RESOLUTION**

THAT the City expend additional available funding in the amount of \$84,615.56 to Martinez Bros. Contractors, L.L.C. to fund additional labor and materials for in change order 6 to Contract Number 2008-219, Citywide Unpaved Street Improvements Phase III.

Representative Quintana commented.

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

.....
3B.

***RESOLUTION**

THAT the City expend additional available funding in the amount of \$228,866.99 to JAR Concrete, Inc. to fund additional labor and materials for replacing existing structures for the Montoya main lateral at the crossing with White Spur Drain, install a box culvert at White Spur and increase the contract time 35 days [change order 4] for Contract Number 2008-197, Storm 2006: Upper Valley Drainage Improvements Phase II. The new contract sum including change order 4 is \$1,967,944.75.

Representatives Quintana and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Alan Shubert, City Engineer
3. Mr. Sam Rodriguez, Engineering Division Manager

3C.

***RESOLUTION**

THAT the City Manager be authorized to sign the Second Amendment to the Agreement for Engineering Services by and between the City of El Paso and WH Pacific Inc., for a project known as "Stanton Toll Facility Improvements" for an amount not to exceed \$70,650.08 and thereby increasing the contract value from \$380,761.00 to \$451,411.08.

Representative Quintana commented.

Mr. Alan Shubert, City Engineer, commented.

.....
3D.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Amiga Mia Inc., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3737 Fred Wilson, more particularly described as Lots 1 to 4 & 47 FT
ADJ ON E (17640 SQ FT), Block 73A, Logan Heights Subdivision, El
Paso, El Paso County, Texas, Parcel #L447-999-073A-3300

to be \$537.89, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$561.89. The City Council finds that the work was completed on the 2nd and 7th days of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$561.89 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Manuel Enriquez, referred to as owner, regardless of number, of the hereinafter described

property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4021 Johnson Avenue, more particularly described as Lots 12 to 13, Block 78,
Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel
#M794-999-0780-3300

to be \$111.73, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$135.73. The City Council finds that the work was completed on the 27th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$135.73 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Veronica S. Jarosz, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3830 Johnson Avenue, more particularly described as Lots 17 to 20 (12600
SQ FT), Block 121, Morningside Heights Subdivision, El Paso, El Paso
County, Texas, Parcel #M794-999-1210-5000

to be \$247.98, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$271.98.

The City Council finds that the work was completed on the 20th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$271.98 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, James R. & 2 McMinn, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot 2 (11706.21 sq ft), Block 13, Sahara Subdivision, City of El Paso, El Paso County, Texas, Parcel #S033-999-0130-0300.

to be \$303.51, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$327.51. The City Council finds that the work was completed on the 16th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$327.51 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Martha Nolasco, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso

Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

310 Guadalajara Street, more particularly known as Lot 53 (6240 SQ FT),
Singh Subdivision, El Paso, El Paso County, Texas, Parcel #S445-999-0010-
5300

to be \$225.70, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$249.70. The City Council finds that the work was completed on the 20th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$249.70 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Luis M. Paredes, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9230 Santa Rosalia Court, more particularly described as Lot(s) 16,
Singh Subdivision, El Paso, El Paso County, Texas, Parcel #S445-999-
0010-1600

to be \$217.31, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$241.31. The City Council finds that the work was completed on the 15th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$241.31 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Maria L. Montes, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental 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. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3029 Tularosa, more particularly described as Lot 14 & W 1/2 of Lot 15 (5250 sq ft), Block 95, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-0950-2300

to be \$144.24, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24, total to wit, making a total of \$168.24. The City Council finds that the work was completed on the 14th day of October 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount \$168.24 to be a lien on the above-described property, said amount being due and payable within 10 days from the date of City Council approval, and thereafter bearing 10% interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. 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.

.....

3E.

***RESOLUTION**

For the purpose of conducting and holding a General Election for the Election of Officers in the City of El Paso and the Special Election for the submission of a measure, on May 9, 2009, the following election officials are hereby appointed.

I. The persons named in Exhibit "A" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for the main early voting station and the branch offices for early voting in the City. Each Presiding Judge shall appoint not less than two but not more

than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election, his or her Alternate Presiding Judge shall serve as Presiding Judge.

2. The persons named in Exhibit "B" attached hereto and made a part hereof for all purposes are appointed Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular election precincts of the City. Each Presiding Judge shall appoint not less than two but not more than six qualified election clerks to serve at the election, but one of the clerks shall be the Alternate Presiding Judge. If any such Presiding Judge is unable to serve at the election his or her alternate Presiding Judge shall serve as Presiding Judge.

3. The persons named in Exhibit "C" attached hereto and made a part hereof for all purposes are appointed as a special Canvassing Board/signature verification committee, respectively, to count, canvass and record all early votes and early ballots cast at said election.

4. The persons named in Exhibit "D" attached hereto and made a part hereof for all purposes are hereby appointed as the Central Counting Station Manager, Central Counting Station Judge, Early Voting Ballot Board Chairman, and Tabulating Supervisor respectively, to operate a central counting station to receive and tabulate the voted ballots at said election.

Representative Quintana commented.

Ms. Richarda Momsen, Municipal Clerk, commented.

.....
3F.

***RESOLUTION**

THAT the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an presently estimated cost of \$103,609 to provide election services and equipment for the May 9, 2009 City Elections; that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary.

.....
3G.

***RESOLUTION**

THAT the Mayor be authorized to sign the following Interlocal Governmental Agreements between the City of El Paso and the below listed Independent School Districts to allow for joint elections between the City and each Independent School District on May 9, 2009 for the purpose of sharing the costs.

- A. El Paso Independent School District
- B. Socorro Independent School District
- C. Ysleta Independent School District

Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Richarda Momsen, Municipal Clerk
- 3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

.....

3H.

***RESOLUTION**

WHEREAS, the City Council adopted a Resolution on February 10, 2009 to call the 2009 General Election; and

WHEREAS, the City has designated some of its own facilities as polling places and early and mobile voting sites for the City’s Elections, which is done in compliance with Section 43.033, Texas Election Code, as well as serving the City’s purposes, for which the fees for such uses shall be zero; and

WHEREAS, it is necessary to correct paragraph 7 to remove an incorrect reference to ballots by mail; and

WHEREAS, it is necessary to amend Exhibit A, listing all of the polling places to include several new and changed polling places; and

WHEREAS, except as herein amended, the Resolution dated February 10, 2009 to call the 2009 General Election shall remain in full force and effect.

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

1. **THAT** the Resolution dated February 10, 2009, to call the 2009 General Election (“Resolution”), be amended for the purpose of adopting and incorporating a revised paragraph 7, as follows:

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

2. **THAT** the Resolution dated February 10, 2009, to call the 2009 General Election (“Resolution”), be amended for the purpose of adopting and incorporating a revised Exhibit A, as referenced in the Resolution, in such Resolution, as follows:

That Exhibit A, containing the listing of all of the polling places for the May 9, 2009 election is hereby adopted and the Resolution is hereby amended to include a revised Exhibit A, as hereto attached, and that the notice of election published by the City Clerk shall include the revised Exhibit A.

.....
3I.

RESOLUTION

WHEREAS, the City Council adopted a Resolution on February 10, 2009 to call a 2009 Special Election; and

WHEREAS, the City has designated some of its own facilities as polling places and early and mobile voting sites for the City’s Elections, which is done in compliance with Section 43.033, Texas Election Code, as well as serving the City’s purposes, for which the fees for such uses shall be zero; and

WHEREAS, paragraphs 1 and 5 are being corrected and revised; and

WHEREAS, it is necessary to amend Exhibit A, listing all of the polling places to include several new and changed polling places; and

WHEREAS, except as herein amended, the Resolution dated February 10, 2009 to call the 2009 Special Election shall remain in full force and effect.

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

1. That the Resolution dated February 10, 2009, to call the 2009 Special Election ("Resolution"), be amended for the purpose of adopting and incorporating a revised paragraph 1, as follows:

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Saturday, May 9, 2009 in the City of El Paso for the purpose of submitting the following measure to the qualified voters. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the measure with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO

text of the ordinance

Adoption of an ordinance titled "An ordinance of the City of El Paso, Texas, transferring the rate making authority and changing the rate of the municipal utility drainage system," and specifically providing as follows:

WHEREAS, the City of El Paso ("El Paso") previously established a Municipal Drainage Utility System via Ordinance No. 16668; and

WHEREAS, the citizens of El Paso have clearly voiced the opposition of the Municipal Drainage Utility System and the fees imposed for its operation; and

WHEREAS, the City, in deference to the views of its Citizens, wishes to restructure and reduce the fees imposed for the operation of the Municipal Drainage Utility System; and

WHEREAS, the City recognizes state law prohibits it from altogether dissolving the Municipal Drainage Utility System until it has operated substantially continuously for five years; and

WHEREAS, the City retains the authority to transfer operation of the Municipal Drainage Utility System from the Public Service Board back to City Council and to reduce the rate for the drainage utility.

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

Section I. Definitions.

"Board" means that certain board of trustees known as the "Public Service Board" established by the City pursuant to Section 1502.070 of the Texas Government Code and charged with having complete authority and control of the management and operation of the water and wastewater system of the City, as "City" means the City of El Paso, Texas, a Texas Home Rule Municipality.

"System" means the Municipal Drainage Utility System established by Ordinance 16668 and encompasses the complete drainage system of the City as it now exists and may be improved, added to, or extended hereafter, there being included in such term all drainage facilities now or hereafter owned or operated.

Section II.

1. Section III D of Ordinance 16668 is hereby rescinded. The authority and control of the management and operation of the system is hereby transferred from the Board to the City. The System shall be operated by the City Manager subject to the control and direction of City Council.
2. No monthly stormwater fee shall be imposed on any improved parcel within the City of El Paso or on any customers of the Board until further action by the City of El Paso acting through its City Council.
3. All fees and charges of the Municipal Drainage Utility System and all fees for storm water drainage are hereby suspended until further action by the City of El Paso acting through its City Council.
4. This Ordinance shall take effect immediately upon its adoption.

5. The City Manager is authorized to execute documents and take all appropriate action to give effect to this Ordinance.

Ballot Measure

FOR () Shall the Municipal Drainage Utility Ordinance, transferring rate making authority and changing the rate of the municipal utility drainage system, be approved?

AGAINST ()

2. That the Resolution dated February 10, 2009 to call the 2009 Special Election ("Resolution"), be amended for the purpose of adopting and incorporating a revised paragraph 5, as follows:

5. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

3. That the Resolution dated February 10, 2009 to call the 2009 Special Election ("Resolution"), be amended for the purpose of adopting and incorporating a revised Exhibit A, as referenced in the Resolution, in such Resolution, as follows:

That Exhibit A, containing the listing of all of the polling places for the May 9, 2009 election is hereby adopted and the Resolution is hereby amended to include a revised Exhibit A, as hereto attached, and that the notice of election published by the City Clerk shall include the revised Exhibit A.

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

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
3. Ms. Richarda Momsen, Municipal Clerk

Mr. Jerry Thiedt, citizen, commented.

1ST MOTION

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

2ND MOTION

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

3RD MOTION

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **APPROVE** the Resolution, **AS AMENDED.**

4TH AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and carried to **DIRECT** the City Attorney not to bring back to Council amended ballot language on the Special Election. **THE MOTION FAILED.**

AYES: Representatives Acosta, Castro, Quintana, and Holguin
NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

.....

3J.

RESOLUTION

THAT the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and Mahaffey Fine Art LLC, an Oregon Limited Liability Company ("Mahaffey"), to design, fabricate, and oversee installation of public art to be known as the El Paso International Airport Public Art Project in the amount of \$90,000.

Representatives Acosta, Castro, and O'Rourke commented.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, and Ms. Patricia Dalbin, Public Art Program Coordinator, commented.

1ST MOTION

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

2ND MOTION

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

3RD AND FINAL MOTION

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

.....

3K.

***RESOLUTION**

THAT the City Manager be authorized to sign a Service Agreement by and between the City of El Paso and artist Saxe-Patterson, Inc., to design, fabricate, and install public art to be known as the Downtown Transfer Terminal Public Art Project in the amount of \$75,000.

Representative Quintana commented.

The following City staff members commented:

1. Mr. Sean McGlynn, Director of Museums and Cultural Affairs
2. Ms. Patricia Dalbin, Public Art Program Coordinator
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Saul Frank to the International Bridge Commission by Representative Beto O'Rourke, District 8.

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

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ivan Ramirez to the Committee on Border Relations by Representative Eddie Holguin, Jr., District 6.

.....
5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gracia M. Sandoval to the Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8.

.....
5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard I. Falvo to the Parks and Recreation Advisory Board by Representative Rachel Quintana, District 5.

.....
5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Martin Walton to the Accessibility Advisory Committee by Representative Eddie Holguin, Jr., District 6.

.....
6. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **DELETE** the item to allocate the use of District 5 discretionary funds in the amount of \$286.86 to purchase a second-hand manhole cover and a second-hand manhole cover ring to secure an unsafe ponding area in the Hueco Mountain Estates neighborhood.

.....
7. NOTATION OF CAMPAIGN CONTRIBUTION

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code; receipt of campaign contributions by Mayor John Cook on February 26, 2009, in the amount of \$500 from Richard Teschner.

.....
8A. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-008 (Janitorial Services – Fire Facilities) to Total Cleaning Services, for a total estimated award of \$159,000.

Department: General Services
Award to: Total Cleaning Services
El Paso, TX
Items: All
Option: Two years
Annual Estimated Amount: \$53,000
Account No.: 31010327 – 502206 – 01101

Funding Source: Maintenance Services
Total Estimated Award: \$159,000

This is a thirty-six 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 General Services recommend award as indicated to Total Cleaning Services, the vendor offering the best value bid.

Representative Ortega commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

.....
8B. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-081 (Document Storage/Retrieval System) to Commercial Records Center for a total estimated award of \$122,431.

Department: Information Technology
Award to: Commercial Records Center
El Paso, TX
Items: All
Option: Two 3-year periods
Account No.: 39010348 – 502215 – 01101
Funding Source: Information Technology, Outside Contracts
Total Estimated Award: \$122,431

This is a three-year contract.

The Departments of Financial Services, Purchasing Division, and Information Technology recommend award to Commercial Records Center, the vendor offering the best value bid.

Representative Ortega commented.

Mr. Gerald Gordier, Chief Information Officer and Director of Information Technology, commented.

.....
8C. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-006 (Janitorial Services – South El Paso, Grandview, Eastside, and Polly Harris Senior Citizen Centers) to Lucy’s Cleaning Services for a total estimated award of \$143,879.16.

Department: Parks and Recreation
Award to: Lucy’s Cleaning Services
El Paso, TX
Items: All
Option: One year
Account No.: 51010363 – 502206 – 01101

Funding Source: Parks–Operating Account–Janitorial Maintenance Contracts
Total Est. Award: \$143,879.16

This is a thirty-six month contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Lucy’s Cleaning Services, the vendor offering the best value bid.

.....
9. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-113 (Crack Seal Material) to Deery American Corporation for a total estimated award of \$218,700.

Department: Street
Award to: Deery American Corporation
Fruita, CO
Items: All
Annual Estimated Amount: \$72,900
Account No.: 32010200-503203-01101
Funding Source: Street Maintenance
Total Estimated Award: \$218,700

This is a thirty-six month requirements type contract for Crack Seal Material.

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

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

Representative Quintana commented.

Mr. Daryl Cole, Director of Streets, commented.

.....
10A. – 10E. INTRODUCTIONS

Motion made by Representative Acosta, 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:

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to prohibit parking on Trawood Drive between Ben Hogan Drive and Estrada Drive; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 10B.** An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.24 (City Parks and Recreation Areas, Park and Recreation Fee Authorization, Facility Rental Fees), of the El Paso City Code to allow certain types of room rentals at no cost for recognized Neighborhood Associations.

PUBLIC HEARING WILL BE HELD ON MARCH 17, 2009, FOR ITEMS 10A – 10B

- 10C.** An Ordinance changing the zoning of Tracts 12B and a portion of Tract 12A, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10D.** An Ordinance changing the zoning of a portion of Tract 7A, H.A. Chadwick Survey No. 253, and a portion of Tract 2A, Pedro Perez Survey 157, and a portion of tract 4A, A.L. Walton Survey No. 140, in the City of El Paso, El Paso County Texas, from R-4 (Residential) to M-2 (Heavy Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 10E.** An Ordinance changing the zoning of Lot 14, Ranchland Commercial District Unit Two, an addition to the 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.

PUBLIC HEARING WILL BE HELD ON MARCH 31, 2009, FOR ITEMS 10C – 10E

11. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Continental Corporation, the sole source provider of Automatic Vehicle Locator (AVL) System currently used by the El Paso Police and Fire Departments, in the estimated annual amount of \$275,000 for maintenance of hardware and software support. Three year estimated total of \$825,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	Information Technology
Account No.:	39010352 – 502229 – 01101
Funding Source:	Information Services, Communication - Operating Account, Maintenance Contracts
Total Estimated Amount:	\$825,000 – 3-year total (Police and Fire Departments)
Sole Source No.:	2008-160

Mr. Terrence Freiburg, Purchasing Manager, commented.

12.

RESOLUTION

WHEREAS, the City Council of the City of El Paso, Texas, has determined that certificates of obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for the construction of public works as specified below; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the City Council proposes to pay the certificates;

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

SECTION 1: The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in a principal amount not to exceed \$79,500,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) constructing, resurfacing and improving various streets, roads, bridges, thoroughfares, sidewalks, pathways and related municipal facilities within the City, including lane markings, ADA connectivity, traffic signals, loop detectors, lighting and landscaping related thereto and the acquisition of necessary rights-of-way and land in connection therewith, (b) design, construction and installation of flood control, storm water, drainage improvements, ponding areas and related municipal facilities within the City, including the acquisition of rights-of-way, real property and any related demolition necessary in connection therewith, (c) renovating, improving and equipping existing municipal facilities, including fiber optic connectivity, ADA improvements, roofing system rehabilitation and replacement, and lighting projects, (d) renovating, improving and expanding municipally owned international bridge facilities, (e) acquisition, construction and improvement of municipally owned public art projects, (f) design, construction and improvements to transportation and terminal facilities, including the acquisition of necessary land therefore, and (g) the purchase of capital equipment, including motor vehicles, for the following city departments: police, fire, transportation, street and public works, and (ii) professional services rendered in connection therewith, such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's water and sewer system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by V.T.C.A., Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Acosta and Castro commented.

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Quintana

.....
13. INTERNATIONAL BRIDGES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the International Bridge Commission's recommendations to the Mayor and City Council in a

positive attempt to improve matters affecting the aesthetic appearance, safety, and efficient flow of commerce and people across the international bridges in El Paso.

Mr. Said Larbi-Cherif, Director of Internal Bridges, presented a PowerPoint presentation (on file in the City Clerk's office).

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

.....
14A.

ORDINANCE 17079

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00093 TO ALLOW GOVERNMENT BUILDINGS AND USES FOR CONSTRUCTION OF A NEW TRANSIT TERMINAL FOR SUN METRO ON THE PROPERTY DESCRIBED AS PARCEL 1: LOTS 10 TO 15 AND PORTIONS OF LOTS 16 TO 17, BLOCK 20, HARRIS TRACT, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS; PARCEL 2: TRACTS 20D AND 20A, BLOCK 45, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND PARCEL 3: TRACTS 20B AND 20A1, BLOCK 45, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Ortega and Acosta commented.

Mr. Alan Shubert, City Engineer, commented.

Motion duly made by Representative Ortega, seconded by Representative Holguin, 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**.

.....
14B.

RESOLUTION

WHEREAS, Edmundo A. Lewis, (the "Applicant") has applied for approval of a detailed site development plan pursuant to Section 20.10.360 of the City Code, which requires the City Plan Commission approval of detailed site development plans and requires City Council approval for the construction and development of a single family dwelling with reduced lot area, width and setbacks in a Planned Residential District; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan for reduced lot area, width, and set backs; and,

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of Section 20.10.360 and Section 20.04.150 of the El Paso City Code.

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

1. That the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit a residential dwelling with reduced lot area, width and set backs on the following described property which is located in a P-R I (Planned Residential) District:

The Southerly 130 feet of Lot 20, Block 2, Old Farm Subdivision Replat "A", an addition to the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A" and incorporated herein by reference.

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the P-R I (Planned Residential) District regulations and Section 20.10.360 and Section 20.04.15 of the El Paso City Code.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the P-R I (Planned Residential) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lilly, Ortega, Quintana, O'Rourke, Holguin, and Castro commented.

Mr. Alan Shubert, City Engineer, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

The following members of the public commented:

1. Ms. Mary Frances Keisling, representing Save the Valley, The Upper Valley Neighborhood Association, and the Love Road Neighborhood Association
2. Mr. Jeff Zemans
3. Mr. Edmundo Lewis, applicant

1ST MOTION

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:06 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 MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 12:14 p.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Acosta and Quintana

3RD AND FINAL MOTION

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

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

NAYS: Representative Quintana

.....
14C.

ORDINANCE 17080

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2, (ADMINISTRATION AND PERSONNEL) CHAPTER 2.80 REQUIRING THAT MEETINGS OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE BE VIDEO STREAMED OR CABLECAST AND THAT CERTAIN DISCLOSURES BE MADE CONCERNING FINANCIAL INTERESTS.**

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. John Neal, Special Projects
- 3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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**.

.....
The City Council Meeting **RECESSED** at 12:39 p.m.

.....
Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **RECONVENE** the City Council Meeting at 1:33 p.m.

15.

ORDINANCE 17081

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS.**

Representatives Holguin and Acosta commented.

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

Mr. Marvin Rosenbaum, citizen, commented.

Motion duly made by Representative Lilly, seconded by Representative Ortega, 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, Ortega, and O'Rourke
- NAYS: Representatives Quintana and Holguin
- ABSTAIN: Representative Acosta
- NOT PRESENT FOR THE VOTE: Representative Castro

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

.....
16.

ORDINANCE 17082

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

Representatives Quintana and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Javier Reyes, Engineering Division Manager, commented.

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

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

17. PUBLIC HEARING – POLICE DEPARTMENT

An Ordinance amending Title 12, (Vehicles and Traffic) to amend Chapter 12.08 (Administration and Enforcement), Section 12.08.220 (Impounding Vehicles), of the El Paso Municipal Code by adding subsection 12.08.220 A.21, authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle’s owner or operator fails to show evidence of financial responsibility.

Police Chief Greg Allen presented a PowerPoint presentation (on file in the City Clerk’s office).

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

The following City staff members commented:

- 1. Mr. John Batoon, Assistant City Attorney, gave legal advice.
- 2. Assistant Police Chief Eric Shelton
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Ms. Richarda Momsen, Municipal Clerk

The following members of the public commented:

- 1. Mr. Larry Medina
- 2. Mr. Jorge Almada
- 3. Ms. Lisa Turner
- 4. Mr. Salvador Gomez
- 5. Mr. Jerry Thiedt
- 6. Mr. Willie Jenkins
- 7. Mr. Alex Dominguez
- 8. Mr. Arthur Ward

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **SEND** the item to the Public Safety LRC within thirty days.

.....
ITEMS TAKEN TOGETHER:

18A. MAYOR AND COUNCIL

Discussion and action regarding the Phase One Governance Practices Report of the Public Service Board prepared by Hector Gutierrez, Public Affairs Consulting.

18B. MAYOR AND COUNCIL

Discussion and action regarding action to seek legislative action to amend the Texas Government Code to increase the number of members on the Public Service Board.

Mr. Hector Gutierrez, Public Affairs Consulting, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Acosta, Ortega, Holguin, and Byrd commented.

1ST MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **ACCEPT** the Phase One Governance Practices Report of the Public Service Board and send the recommendations to the State legislature.

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

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried to **APPROVE** the recommendation of increasing the Public Service Board from five to seven members and to send the recommendations to the State legislature.

AYES: Mayor Cook, Representatives Lilly, Byrd, Acosta, and O'Rourke with Mayor Cook breaking the tie.
NAYS: Representatives Castro, Quintana, Holguin, and Ortega

Mayor Cook broke the tie, voting aye.

.....
18C. MAYOR AND COUNCIL

Discussion and action on the report from the Committee on Border Relations based on their findings from the recently held Forum on the drug-related violence occurring in our sister city Ciudad Juarez and the recommendations of the participants.

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

Ms. Evelina Ortega, member of the Committee on Border Relations, commented.

NO ACTION was taken on the item.

.....
18D.

RESOLUTION

WHEREAS, the film industry has taken notice of the opportunities to use settings in the Southwest United States for various films;

WHEREAS, if incentives are offered for filming in Texas more producers will come to Texas instead of New Mexico;

WHEREAS, H.B. 873 and S.B. 605 will offer incentives in the form of grants to production companies that spend a minimum of \$250,000 in in-state spending for a film or television program or \$100,000 in in-state spending for a commercial or series of commercials; at least 70% of the production

crew, actors, and extras must be Texas residents; at least 60% of the project must be filmed in Texas; and the production company must submit an expended budget that reflects all in-state spending to the Music, Film, Television, and Multimedia Office in the Office of the Governor; and

WHEREAS, both H.B. 873 and S.B. 605 also include an additional grant amount for production companies that spend at least 25% of a moving image project’s filming days in an underused area in Texas.

WHEREAS, the Texas Motion Picture Alliance has requested the support of the City of El Paso for both bills.

WHEREAS, the City Council recognizes the economic benefits that may inure to the State and the El Paso region in particular if the State of Texas is able to offer economic incentives through the proposed Texas Film Incentive Program.

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

That the City Council of the City of El Paso supports the passage of Texas H.B. 873 and its companion S.B. 605, which relate to offering incentives for the film, television, video, and digital interactive media production industries to film in Texas

Mayor Cook and Representatives O’Rourke, Ortega, and Holguin commented.

Ms. Kathryn Dodson, Director of Economic Development, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

The following members of the public commented:

- 1. Mr. Ken Rechter, Texas Motion Picture Alliance
- 2. Ms. Sandra Welch Quarm, Texas Motion Picture Alliance
- 3. Mr. Jake Pakluda

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega

NAYS: Representative O’Rourke

.....
18E. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Acosta, and carried to **REFER** the item on citizens over the age of 55 who cannot afford to pay for park programs and waive any fees charged to them for room usage to the Quality of Life Legislative Review Committee and instruct the City Attorney’s Office to draft an interim Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Holguin, Ortega, and O’Rourke

NAYS: None

ABSTAIN: Representative Quintana

Representatives Holguin, Byrd, Castro, and Acosta commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

.....
18F. MAYOR AND COUNCIL

Discussion and action to direct the City Manager to open access to all walking paths of Marty Robbins Park and not to restrict access to any ball fields in which walk paths are used by constituents until an alternative route can be found.

Representatives Holguin, Quintana, Byrd, and Lilly commented.

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

Ms. Elsie Ramirez and Mr. Miguel Ramirez, citizens, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **DIRECT** the City Manager to instruct the Parks Department not to restrict access to any ball fields except during ball games until an alternative is found.

.....
18G. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks the item on discussion and action to request for City Manager and staff to evaluate for traffic control devices at the following intersections:

- Kellogg and Blossom
- Snark Drive and Zeus Place
- Pickerel and Snark Drive
- Nike Lane and Zeus Place
- Arjay Lane and Umbria Drive
- Bluewing and Bobwhite
- Bluewing and Macaw
- Bluewing and Dolphin
- Bluewing and Tarpon
- Bluewing and Sturgeon
- Bluewing and Teal
- Bluewing and Swallow Lane

Representatives Quintana and Castro commented.

.....
19A.

RESOLUTION

WHEREAS, on May 6, 2008, the El Paso City Council approved a 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 set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West Extraterritorial Jurisdiction; and,

WHEREAS, the applicant has requested that the City amend Exhibit B, Development Plan of the Development Agreement, to increase the residential lots from 118 to 188, an increase of 70 dwelling units 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.

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

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.

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly, Castro, Byrd, and Acosta commented.

Mr. Conrad Conde, representing the applicant, commented.

1ST MOTION

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

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

2ND MOTION

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

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

.....
19B. DEVELOPMENT SERVICES

Motion made by Representative Castro, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **DIRECT** the City Manager to negotiate with EPT Land Assets and bring back a recommendation as to whether or not to release the restriction in the deed for self storage use in exchange for something else and to require public notification be made at the expense of the applicant for property sold by the City to EPT Land Assets, LP, such property located in Sandstone Ranch and Sandstone Ranch Estates, City of El Paso, El Paso County, Texas.

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

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

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

Mr. Ray Mancera, representing the applicant, commented.

.....
Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to
ADJOURN this meeting at 5:49 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk