

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, 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 11, 2008
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:40 a.m. during Executive Session deliberations and Melina Castro at 8:59 a.m. during Executive Session deliberations. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **POISON PREVENTION WEEK**
2. **FRANKLIN MOUNTAINS POPPIES DAY**
3. **J.M. HANKS HIGH SCHOOL JAZZ FESTIVAL**

RECOGNITION

GARY GORDIER

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Ray Gilbert

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Motion made by Representative Quintana, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

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EX1. Claim of Blair-Hall Co., Inc., Our File No. 07-C-271/ENG.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Blair Hall Co., Inc., Our File No. 07-C-271/ENG.

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

Mayor Cook and Representative Ortega commented.
 Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Frank Ainsa, representing Blair-Hall, commented.

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EX2. City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that outside counsel be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480.

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

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EX3. William D. Abraham, as Trustee for the Franklin Group, L.P. vs. the City of El Paso, Texas et. al.; Cause No. 2007-688.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled William D. Abraham, as Trustee for the Franklin Group, L.P. vs. the City of El Paso, Texas et. al.; Cause No. 2007-688.

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

EX4. Alfred Corona vs. City of El Paso; Cause No. 2003-5296.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that outside counsel be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and sign all documents to resolve the lawsuit styled Alfred Corona vs. City of El Paso; Cause No. 2003-5296.

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

NAYS: None

ABSTAIN: Representative Castro

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EX5. Discussion and action with the City Attorney on legal options with respect to the sale and conveyance of 4,832.99 acres or land, more or less, to Hunt Communities, LLC.

NO ACTION was taken on the item.

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CONSENT AGENDA

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

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

NAYS: None

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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 4, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 26th day of September, 2007, after due notice and hearing, issued an order to Antonio Z. Gonzalez, record Owner of the hereinafter described property that the main structure be secured and the unpermitted structures be demolished within thirty days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to secure the main structure and demolish the unpermitted structures and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the main structure and demolishing the unpermitted structures and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot B, being situated in the Ysleta Grant in El Paso County, Texas, municipally known and numbered as 8918 Ruiz Road, El Paso, Texas.

to be \$5,076.47, performed by the Street Department of the City of El Paso, and \$1,070.62, performed by the City Clerk's Office and Development Services Department, making a total of \$6,147.09. The City Council finds that the work was completed on the 19th day of December, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$6,147.09 to be a lien on the above-described property.

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

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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3B.

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution authorizing the City Manager to sign and accept a storm sewer line easement from the El Paso Electric Company through the following described property in the County of El Paso, Texas: a portion of Lot 30, Block 4, Thom Ridge Subdivision.

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3C.

***R E S O L U T I O N**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Anti-Gang Awareness Training and Education Program (A-GATE) be operated for the time period of September 1, 2008, to August 31, 2009; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official, who is given the power to apply for, accept, reject, alter, terminate, or authorize the transfer of funds of the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Anti-Gang Awareness Training and Education Program (A-GATE) to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$90,100 from the El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department's Anti-Gang Awareness Training and Education Program (A-GATE).
3. There is no cash/in-kind match requirement for this grant.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.

5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso Independent School District, Ysleta Independent School District, Socorro Independent School District, Canutillo Independent School District, Clint Independent School District, Anthony Independent School District, and Fabens Independent School District.

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3D.

***R E S O L U T I O N**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Operation Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force be operated for the time period of September 1, 2008, to August 31, 2009; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee’s authorized official, who is given the power to apply for, accept, reject, alter, terminate, or authorize the transfer of funds of the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Operation Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force to the Office of the Governor, Criminal Justice Division.

2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$54,850 from the El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department’s Operation Serious Habitual Offender Comprehensive Action Program (SHOCAP) Full Force.

3. There is no cash/in-kind match requirement for this grant.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.

5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff’s Office; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney’s Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

Representatives Quintana and Holguin commented.

Ms. Joyce Wilson, City Manager, and Assistant Chief Tom Whitten commented.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Pete T. Duarte to the Cultural Affairs Advisory Board by Representative Eddie Holguin, Jr., District 6.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Robert McGregor to the Art Museum Advisory Board by Representative Susie Byrd, District 2.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Melissa C. Brandrup to the Historic Landmark Commission by Representative Melina Castro, District 4.

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5A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-015R (Upgrade of the Parking Access and Revenue Control System) to Mitchell Adding Machine Co., Inc., for a total estimated award of \$210,709.

Department: Aviation
Award: Mitchell Adding Machine Co., Inc.
DBA Mitchell Time & Parking
Austin, TX
Items: 1 (A to I) & Optional Items O2, O3 and O4
Account No.: 62620027 – 508027 – 41080 – PAP0040 (Items 1. A to I - \$99,034)
62620006 – 502229 – 40101
(Optional Items O2, O3, & O4 – \$111,675)
Funding Source: EPIA Enterprise Funds
Total Est. Award: \$210,709

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

Mayor Cook and Representative Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Pat Abeln, Director of Aviation

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5B. BID

*Motion made, seconded, and unanimously carried to **REJECT** the bids for Solicitation No. 2008-074 (Baseball Turf Infield Conditioner) as recommended by Financial Services, Purchasing Division, and the Parks and Recreation Departments because all bids received did not meet the specifications.

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6A. – 6B. INTRODUCTIONS

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- A. An Ordinance amending Title 19 (Subdivisions), Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.130 (Postal Delivery Service), of the El Paso City Code to establish the responsibilities for mail receptacles; the penalty is as provided in Chapter 19.04.090 of the City of El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 18, 2008, FOR ITEM 6A

- B. An Ordinance granting Special Permit No. ZON07-00165 to allow for an infill development to permit a duplex on the property described as Lot 23, Block 5, Pacific Park, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.030 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 1, 2008, FOR ITEM 6B

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7.

R E S O L U T I O N

That the City Manager be authorized to sign a two year Professional Service Agreement between the City of El Paso and Amec Earth & Environmental, Inc., a Nevada Corporation, to perform consulting services for a project known as "Environmental Engineering Consulting Services 2007", for an amount not to exceed \$750,000. Funding to be provided by each project requiring applicable services.

Mayor Cook and Representatives Holguin and Quintana commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Environmental Services Director, commented.

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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8A.

R E S O L U T I O N

WHEREAS, pursuant to the Federal Transit Administration (the "FTA") Third Party Contracting Requirements Circular #C 4220.IE, a grantee of FTA grants may purchase equipment under the terms of a contract entered into by and between another governmental entity and a vendor; provided that such contract contains an assignability clause that provides for the assignment of all or a portion of the specified deliverable as originally advertised, competed, evaluated, and awarded;

WHEREAS, the Massachusetts Bay Transportation Authority's ("MBTA") and North American Bus Industries, Inc. ("NABI") entered into formal Contract No. 639 (the "Contract") relating to IFB No. CAP 9-01 whereby MBTA agreed to purchase from NABI 175 40-foot Low Floor Compressed Natural Gas Buses ("CNG Buses");

WHEREAS, under Section C, Part C2.00 of the Contract, MBTA reserved the right to assign its option to purchase additional vehicles under Option I of up to 100% of the base bid to another transit agency, subject to the acceptance of the terms and conditions of the Contract by said agency;

WHEREAS, the City of El Paso (the "City") is a grantee of FTA grants;

WHEREAS, MBTA desires to assign and the City desires to accept assignment of a portion of MBTA's powers, rights, remedies, and privileges under Option I of the Contract to allow the City to purchase forty CNG Buses from NABI; and

WHEREAS, the City desires to purchase forty CNG Buses under the terms of the Contract.

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

That the City is hereby authorized to enter into an assignment agreement by and between the City and Massachusetts Bay Transportation Authority ("MBTA") whereby MBTA assigns and the City accepts assignment of MBTA's powers, rights, remedies, and privileges under Option I of the Contract to allow the City to purchase forty CNG Buses from NABI (the "Assignment Agreement");

That the City is hereby authorized to purchase forty 40-foot CNG Buses from NABI pursuant to the terms and conditions set forth in the Contract, thirty-three of which shall be at the cost per bus of \$397,430 plus spare parts in the amount of \$686,045 and seven of which shall be at a cost per bus of \$404,412, for a total purchase price of \$16,632,119;

That the City Manager is hereby authorized to approve, execute, and deliver the Assignment Agreement and any other necessary documents to effectuate this assignment and the purchase of the forty CNG Buses.

Mayor Cook and Representative Ortega, Byrd, and Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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8B. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, 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 (\$275,000) and Sun Metro (\$239,178) for maintenance of hardware and software support.

Department: Information Technology
Account Nos. Police & Fire: 39010352 – 502229 – 01101
Mass Transit: 60600011 – 508035 – 11601 – G600335
60600011 – 508035 – 11606 – G600342
60600011 – 508006 – 11677 – G600463
Funding Source: Information Services, Operating Account, Office Equipment
Maintenance Contracts and Various FTA Grants

Total Estimated Annual Amount: \$514,178
Sole Source No.: 2008-160

Representatives Quintana, Holguin, and Castro commented.

The following City staff members commented:

- 4. Ms. Joyce Wilson, City Manager
- 5. Mr. Terrence Freiburg, Purchasing Manager
- 6. Mr. Gerald Gordier, Chief Information Officer and Information Technology Director

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9A. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **POSTPONE** two weeks a public hearing on an Ordinance changing the zoning of Parcel 1: Tract 3C and a portion of Tracts 3A and 3B, Nellie D. Mundy Survey No. 240, and a portion of Tract 1A, Nellie D. Mundy Survey No. 241; Parcel 2: a portion of Tract 3A, Nellie D. Mundy Survey 240; and Parcel 3: a portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas, Parcel 1: from R-3 (Residential) to R-3A (Residential); Parcel 2: from R-3 (Residential) to C-3 (Commercial); and Parcel 3: from R-3 (Residential) to A-2 (Apartment). 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).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
- 3. Ms. Lupe Cuellar, Assistant City Attorney

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9B. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of Lots 36 and 37, Block 84, Franklin Heights Addition, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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9C. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of the following real property described as: Parcel 1, Parcel 2, Parcel 3, Parcel 4, and Parcel 6. All parcels being a portion of Tract 1, John Barker No. 10, City of El Paso, El Paso County, Texas, and Parcel 5: Tract 6J, A.F. Miller Survey No. 216, City of El Paso, El Paso County, Texas. Parcel 1 be changed from R-3 (Residential) to R-3A (Residential); Parcel 2 be changed from R-3 (Residential) to C-1 (Commercial); Parcel 3 be changed from R-3 (Residential) to C-2 (Commercial); Parcel 4 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; Parcel 5 be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; and Parcel 6 be changed from R-3

(Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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ITEMS TAKEN TOGETHER:

10A.

ORDINANCE 16855

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C (EXCEPTIONS), OF THE EL PASO CITY CODE BY DELETING PARAGRAPH 11 TO REMOVE THE EXCEPTION FOR CONTRACTOR STAMPS; THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.**

10B.

ORDINANCE 16856

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.020 (SIDEWALK SPECIFICATIONS), OF THE EL PASO CITY CODE TO ADD SPECIFICATIONS FOR CONTRACTOR STAMPS ON SIDEWALKS AND TO AMEND EXISTING SPECIFICATIONS; THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Lilly commented.

Mr. Alan Shubert, City Engineer, commented.

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

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

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

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11.

RESOLUTION

WHEREAS, scientific evidence and consensus continues to strengthen the idea that climate disruption is an urgent threat to the environmental and economic health of our communities;

WHEREAS, many cities, in this country and abroad, already have strong local policies and programs in place to reduce global warming pollution, but more action is needed at the local, state, and federal levels to meet the challenge;

WHEREAS, on February 16, 2005 the Kyoto Protocol, the international agreement to address climate disruption, became law for the 141 countries that have ratified it to date;

WHEREAS, on that same day, Seattle Mayor Greg Nickels launched this initiative to advance the goals of the Kyoto Protocol through leadership and action of American cities;

WHEREAS, 600 mayors from across the United States have signed onto the U.S. Mayors Climate Protection Agreement;

WHEREAS, the City of El Paso supports the Kyoto Protocol and has launched many local initiatives that will reduce El Paso’s contribution to global warming; and

WHEREAS, the City of El Paso will continue to strive to meet or exceed the Kyoto Protocol targets.

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

That the Mayor be authorized to sign the U.S. Mayors Climate Protection Agreement attached to this Resolution.

Mayor Cook and Representatives Byrd and Ortega commented.

Mr. Gil Piñon, citizen, commented.

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

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ITEMS TAKEN TOGETHER:

12A. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Presentation on a Downtown revitalization project known as “Mills Plaza” by Brent Harris, Mills Plaza Properties.

12B. DEVELOPMENT SERVICES

Discussion and action to direct that the City Manager City-initiate the right-of-way vacation for the vehicular interest on portions of Mills Avenue and Sheldon Court for the purpose of supporting the Downtown revitalization project known as “Mills Plaza.”

Mr. Brent Harris, President of Mills Plaza Properties, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kathryn Dodson, Economic Development Director
- 3. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services

The following members of the public commented:

- 1. Mr. Jim Scherr
- 2. Mr. Richard Schechter
- 3. Mr. Ray Mancera

1ST MOTION

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

NO ACTION, other than the above procedural Motion, was taken on the item 12A.

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **DIRECT** that the City Manager City-initiate the right-of-way vacation for the vehicular interest on portions of Mills Avenue and Sheldon Court for the purpose of supporting the Downtown revitalization project known as "Mills Plaza."

3RD MOTION

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

4TH AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, unanimously carried to **DIRECT** that the City Manager City-initiate the right-of-way vacation for the vehicular interest on portions of Mills Avenue and Sheldon Court for the purpose of supporting the Downtown revitalization project known as "Mills Plaza."

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Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 11:47 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 1:13 p.m.
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13. DEVELOPMENT SERVICES

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **APPROVE** a Conditional B permit for Sun Ridge Unit 15 Subdivision based on a finding of economic hardship.

Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

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14. ECONOMIC DEVELOPMENT

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE** the 2008 Program of Work and Performance Metrics 2008 which shall be incorporated and made a part of the agreement between the City and REDCO, approved August 6, 2006.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Bob Cook, President of REDCO, commented.

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15. MUNICIPAL COURT

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **APPOINT** Federico Soforo and Victor Parra as Municipal Court Associate Judges.

Mayor Cook and Representative Byrd commented.

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

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** this meeting at 1:37 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk