

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL ROBINSON, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MARCH 16, 2010  
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:04 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, and Steve Ortega. Late arrivals: Eddie Holguin, Jr. at 9:10 a.m. and Beto O'Rourke at 9:22 a.m. The invocation was given by Police Chaplain 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 PRESERVATION DAY**
- 3. PURCHASING MONTH**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. James Perry
2. Mr. David Henderson
3. Ms. Lisa Turner
4. Mr. Jorge Artalejo

Mayor Cook and Representative Byrd commented.

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**CONSENT AGENDA**

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, 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 9, 2010.

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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 City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 26<sup>th</sup> day of August, 2009, after due notice and hearing, issued an order to JOHN D. HUNT, record Owner of the hereinafter described property that the main structure be secured, 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 to clean the premises of all weeds, trash, and debris all within thirty (30) days.

**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 to clean the premises of all weeds, trash, and debris all within thirty (30) days, more particularly described as:

Lot 38, Block 6, Deer Valley, Unit One, an addition in the City of El Paso, El Paso County, Texas according to the plat thereof on file in Book 55, Page 31, Plat Records, El Paso County, Texas, municipally known and numbered as 6047 Deer Avenue, El Paso, Texas.

to be \$2,483.23, performed by the Street Department of the City of El Paso, and \$977.62, performed by the City Clerk's Office and Development Services Department, making a total of \$3,460.85. The City Council finds that the work was completed on the 5<sup>th</sup> day of December, 2009, 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 THREE THOUSAND FOUR HUNDRED SIXTY AND 85/100 DOLLARS (\$3,460.85) to be a lien on the above-described property.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 30<sup>th</sup> day of November, 2005, after due notice and hearing, issued an order to RAFAEL CARRILLO, record Owner of the hereinafter described property that the structure be secured from unwanted entry 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 structure and to clean the premises of all weeds, trash, and debris all within thirty (30) days.

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

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

1. That the City Council determines the actual cost of securing the structure and to clean the premises of all weeds, trash, and debris all within thirty (30) days, more particularly described as:

Lot 115, Block 7, Foster Heights Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat records recorded in Volume 1977, Page 209, El Paso, County, municipally known and numbered as 5320 Garry Owen, El Paso, Texas.

to be \$2,932.62, performed by the Street Department of the City of El Paso, and \$927.20, performed by the City Clerk's Office and Development Services Department, making a total of \$3,859.82. The City Council finds that the work was completed on the 12<sup>th</sup> day of December, 2009, 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 THREE THOUSAND EIGHT HUNDRED FIFTY-NINE AND 82/00 DOLLARS (\$3,859.82) to be a lien on the above-described property.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 30<sup>th</sup> day of September, 2009, after due notice and hearing, issued an order to D. CARR'S INCORPORATED, record Owner of the hereinafter described property that the structure be secured within thirty (30) 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 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 the securing of the structure and within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 11 and 12, Block 3, Military Heights Addition, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3023 Morehead Avenue, El Paso, Texas.

to be \$2,034.39, performed by the Street Department of the City of El Paso, and \$959.64, performed by the City Clerk's Office and Development Services Department, making a total of \$2,994.03. The City Council finds that the work was completed on the 5<sup>th</sup> day of December, 2009, 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 TWO THOUSAND NINE HUNDRED NINETY-FOUR AND 03/100 DOLLARS (\$2,994.03) to be a lien on the above-described property.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 27<sup>th</sup> day of May, 2009, after due notice and hearing, issued an order to MANUEL CORREA, JR., ALFONSO CORREA, HECTOR AND BERTHA CORREA, ARTURO CORREA, ESTATE OF MANUEL CORREA, JR., KAREN ANN PELLETIER, DANIEL MENA, ANA ROSA FERNANDEZ, AND RICARDO CORREA, record Owners of the hereinafter described property that the structures be secured within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners 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 and clean the premises of all weeds, trash, and debris.

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

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

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

Lot 13, and Lot 14, Block 7, Military Heights, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 2927 Mountain Avenue, El Paso, Texas,

to be \$3,717.57, performed by the Street Department of the City of El Paso, and \$2,727.00, performed by the City Clerk's Office and Development Services Department, making a total of \$6,440.57. The City Council finds that the work was completed on the 12<sup>th</sup> day of December, 2009, 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 SIX THOUSAND FOUR HUNDRED FORTY AND 57/100 DOLLARS (\$6,440.57) 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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TAKEN WITH ITEM 10B

**3B.**

**RESOLUTION**

**WHEREAS**, City Code Section 12.48.040 requires that the traffic engineer establish reasonably direct routes on city streets from State and Federal roadways to destinations within the city for those

passenger common-carrier motor vehicles that operate under the authority of permits issued by the Surface Transportation Board or its successor agency; and

**WHEREAS**, City Code Section 12.48.040 requires that the City Council approve such passenger common-carrier routes; and

**WHEREAS**, the Engineering Department Traffic Division recommends approval of the proposed common carrier routes attached to this resolution as Exhibit "A".

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

That the passenger common-carrier vehicle routes attached to this Resolution as Exhibit "A" are hereby approved.

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

Mayor Cook and Representatives Robinson and Ortega commented.

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

\*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA WITH ITEM 10B.**

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

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

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**3C.**

**\*RESOLUTION**

**THAT** the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Agreement between the City of El Paso (the "City") and Disney Worldwide Services, Inc. ("Disney"), for the purpose of the purchase, sale, loan and/or donation of zoo animals between the two parties ("Agreement"); and

**THAT** the City Manager is hereby authorized to sign on behalf of the City of El Paso the Transaction Forms contemplated in the Agreement for the purchase, sale, loan or donation of zoo animals pursuant to the applicable laws and the City's purchasing policies; and

**THAT** the City Manager is authorized under the November 29, 1997, Resolution to sign complying contracts for the loan of zoo animals in accordance with the Association of Zoos and Aquariums' Accreditation Standards and Related Policies subject to review and approval by the City Attorney.

Representatives Acosta and Quintana commented.

Ms. Kristen Choi, Assistant City Attorney, gave legal advice and read a revision into the record to include the last paragraph of the above Resolution.

Ms. Joyce Wilson, City Manager, and Mr. Steve Marshall, Zoo Director, commented.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Francisco Ortega to the Ethics Review Commission by Representative Ann Morgan Lilly, District 1.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Terry Smith to the Foster Grandparent Program Advisory Council by Representative Ann Morgan Lilly, District 1.

**4C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Stephanie Caviness to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1.

**4D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Karen Pharr to the City Accessibility Advisory Committee by Representative Ann Morgan Lilly, District 1.

**5. APPLICATIONS FOR TAX REFUNDS**

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

- A. Transmountain Oil Co., LLC in the amount of \$3,890.80 overpayment of 2009 taxes. (PID #0964-999-1108-9030).
- B. Southeast New Mexico Foods, Inc. in the amount of \$16,133.73 overpayment of 2009 taxes. (PID #0964-000-1097-6514).
- C. Government Employees Credit Union in the amount of \$3,793.86 overpayment of 2009 taxes. (PID #S912-999-001E-4800).
- D. BAC Tax Services Corporation in the amount of \$3,100.68 overpayment of 2009 taxes. (PID #T188-999-0070-8500).
- E. Mills Escrow Company in the amount of \$3,602.31 overpayment of 2009 taxes. (PID #T198-000-0010-0700).
- F. Mills Escrow Company in the amount of \$3,680.12 overpayment of 2009 taxes. (PID #T198-000-0010-0200).
- G. Mills Escrow Company in the amount of \$2,573.62 overpayment of 2009 taxes. (PID #T198-000-0010-0500).
- H. Wells Fargo Home Mortgage in the amount of \$2,511.09 overpayment of 2009 taxes. (PID #T820-999-0100-0600).
- I. Winton & Associates in the amount of \$2,736.15 overpayment of 2009 taxes. (PID #T957-999-0410-1400).
- J. Winton & Associates in the amount of \$2,733.04 overpayment of 2009 taxes. (PID #T957-999-0410-1500).

- K. Winton & Associates in the amount of \$2,720.96 overpayment of 2009 taxes. (PID #T957-999-0410-1700).
- L. Wells Fargo Home Mortgage in the amount of \$2,589.17 overpayment of 2009 taxes. (PID #V099-000-0110-0500).
- M. Andrea Lane & Victor Gaba in the amount of \$4,624.75 overpayment of 2009 taxes. (PID #V893-999-2680-0700).
- N. BAC Tax Services Corporation in the amount of \$3,496.83 overpayment of 2009 taxes. (PID #V893-999-5810-3200).
- O. Saxon c/o First American in the amount of \$3,363.16 overpayment of 2008 taxes. (PID #V897-999-0250-2300).
- P. BAC Tax Services Corporation in the amount of \$2,764.24 overpayment of 2009 taxes. (PID #V927-999-0240-3650).
- Q. Lawyers Title of El Paso in the amount of \$2,841.90 overpayment of 2009 taxes. (PID #W145-999-0360-2100).
- R. Wells Fargo Home Mortgage in the amount of \$4,081.90 overpayment of 2009 taxes. (PID #W145-999-0820-2500).
- S. Hardy Pierce Limited Partnership in the amount of \$3,016.20 overpayment of 2009 taxes. (PID #X267-999-S00F-7750).
- T. Peterson JMD Anthony, LLC in the amount of \$36,925.76 overpayment of 2009 taxes. (PID #X247-000-0000-0055).
- U. Rio Grande Electric Cooperative, Inc., in the amount of \$4,790.51 overpayment of 2009 taxes. (PID #S658-999-0040-4900).
- V. Road Machinery, LLC in the amount of \$2,920.04 overpayment of 2009 taxes. (PID #1998-999-1428-0042).
- W. On the Border Freight Liner in the amount of \$6,031.04 overpayment of 2009 taxes. (PID #2005-000-0336-0056).
- X. River Oaks Properties, Ltd. in the amount of \$5,581.49 overpayment of 2009 taxes. (PID #C050-999-1190-5100).
- Y. Paul R. Hatch in the amount of \$9,395.07 overpayment of 2008 taxes. (PID #C105-000-0020-0000).
- Z. Wells Fargo Home Mortgage in the amount of \$7,170.82 overpayment of 2009 taxes. (PID #C340-999-1500-1700).
- AA. Foreclosure Solutions, LTD in the amount of \$3,816.40 overpayment of 2009 taxes. (PID #C518-999-0730-1600).

- BB. Keith & Elia Thompson in the amount of \$6,691.90 overpayment of 2009 taxes. (PID #C739-999-0020-3100).
- CC. McDonald's Corporation in the amount of \$19,207.99 overpayment of 2009 taxes. (PID #C955-000-0010-0100).
- DD. Tri-State Mortgage Company in the amount of \$2,565.37 overpayment of 2009 taxes. (PID #D417-000-0070-1400).
- EE. Wayne & Patricia May in the amount of \$5,846.14 overpayment of 2009 taxes. (PID #E131-999-0040-8800).
- FF. River Oaks Properties, LTD., in the amount of \$34,042.51 overpayment of 2009 taxes. (PID #E361-999-0010-0120).
- GG. Wells Fargo Real Estate in the amount of \$3,303.95 overpayment of 2009 taxes. (PID #F315-999-0130-0700).
- HH. LL & SS Corporation in the amount of \$3,452.79 overpayment of 2009 taxes. (PID #F415-000-0110-0100).
- II. Citimortgage c/o First America in the amount of \$5,616.36 overpayment of 2009 taxes. (PID #F609-999-0050-0300).
- JJ. Enrique Solis in the amount of \$5,011.10 overpayment of 2009 taxes. (PID #F607-999-0730-5600).
- KK. Wells Fargo Home Mortgage in the amount of \$2,634.35 overpayment of 2009 taxes. (PID #G755-000-0010-0200).
- LL. Luz R. Morales in the amount of \$2,855.48 overpayment of 2009 taxes. (PID #H791-006-0030-0760).
- MM. First American Real Estate Tax Service in the amount of \$3,785.47 overpayment of 2007 taxes. (PID #H801-999-0090-1800).
- NN. First American Real Estate Tax Service in the amount of \$3,509.95 overpayment of 2008 taxes. (PID #H801-999-0090-1800).
- OO. Chicago Title Insurance Company in the amount of \$2,600.78 overpayment of 2009 taxes. (PID #I256-999-0460-0600).
- PP. Flagstar Bank in the amount of \$6,222.97 overpayment of 2009 taxes. (PID #K383-999-0040-2600).
- QQ. Flagstar Bank in the amount of \$6,074.46 overpayment of 2009 taxes. (PID #K383-999-0040-2700).
- RR. Capital Bank S.S.B., in the amount of \$10,156.39 overpayment of 2009 taxes. (PID #L130-999-0030-0700).

- SS. Jose M. Pedraza & Maria J. Mendoza in the amount of \$2,925.84 overpayment of 2009 taxes. (PID #L199-000-0010-1800).
- TT. BAC Tax Services Corporation in the amount of \$2,950.01 overpayment of 2009 taxes. (PID #M395-999-0080-1160).
- UU. Jorge L. Aguirre in the amount of \$4,302.25 overpayment of 2009 taxes. (PID #M403-999-0050-2300).
- VV. Frank P. Dombrowski in the amount of \$9,788.33 overpayment of 2009 taxes. (PID #M798-999-0010-0400).
- WW. Wells Fargo Bank Mortgage in the amount of \$2,651.53 overpayment of 2009 taxes. (PID #N425-999-0220-4300).
- XX. BAC Tax Service Corporation in the amount of \$3,842.80 overpayment of 2009 taxes. (PID #N425-999-0230-4800).
- YY. Wells Fargo Home Mortgage in the amount of \$2,649.82 overpayment of 2009 taxes. (PID #N490-999-0010-0140).
- ZZ. Helen & Woody D. Dennis in the amount of \$6,355.22 overpayment of 2009 taxes. (PID #P327-999-0040-4700).
- AAA. Juan J. Velez and Olga H.V. Velez in the amount of \$2,706.73 overpayment of 2009 taxes. (PID #P481-999-0220-2700).
- BBB. Chase Home Finance LLC in the amount of \$4,111.91 overpayment of 2008 taxes. (PID #P585-000-0150-1800).
- CCC. Carlos A. Alvarez in the amount of \$2,971.94 overpayment of 2009 taxes. (PID #P586-999-0010-0100).
- DDD. Jung-Shiung Liau in the amount of \$5,552.52 overpayment of 2009 taxes. (PID #P586-999-0100-1700).
- EEE. BAC Tax Services Corporation in the amount of \$2,899.25 overpayment of 2009 taxes. (PID #P915-999-0020-2200).
- FFF. BAC Tax Services Corporation in the amount of \$3,000.00 overpayment of 2009 taxes. (PID #R246-999-0150-1600).
- GGG. Stewart Title of El Paso in the amount of \$5,106.94 overpayment of 2009 taxes. (PID #R460-999-0050-0100).
- HHH. Roland G. Jr., & Yolanda P. Blow in the amount of \$5,720.80 overpayment of 2009 taxes. (PID #R460-999-0160-1700).
- III. 7720 North Loop LP in the amount of \$17,657.67 overpayment of 2009 taxes. (PID #R745-999-001A-0200).

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**6. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a purchase order to Mythics, Inc. under the Department of Information Resources (DIR) contract number DIR-VPC-03-018 for continued Oracle service and support for the Oracle Business Intelligence software used by the El Paso Police Department for various query, reporting, and analysis information uses, etc. for a total estimated amount of \$75,057.84.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

Department: Information Technology  
Funding Source: Information Technology General Fund FY2010  
Total Estimated Amount: \$75,057.84  
Reference No.: 2010-166

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**7A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-096 for the Father Pete Martinez Senior Center Addition to CK Construction Inc. for a total estimated amount of \$455,457.

Award to: CK Construction, Inc.  
Base Bid I: \$455,457  
Funding Source: Community Development Block Grant 34<sup>th</sup> year

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Parks and Recreation and Engineering Departments recommend award to the offeror who submitted the highest ranked proposal.

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**7B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-111 (Uniform Rental Service) to Prudential Overall Supply for a total estimated award of \$164,472.

Department: Zoo  
Award to: Prudential Overall Supply  
El Paso, TX  
Items: All  
Option: 2 years  
Annual Estimated Amount: \$41,118  
Funding Source: Zoo Gate Operations / Gate Revenues  
Total Estimated Award: \$164,472 (4 years)

This is a forty-eight month requirements type contract.

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

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

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**8A. – 8F. INTRODUCTIONS**

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

- 8A.** An Ordinance authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed and any other documents required, such as but not limited to, a Disclaimer of interest in Property, to convey to the State of Texas, approximately 3.304 acres of land known as Parts 1, 2, 3, 6, 7, and 9 of Parcel 4 along and adjacent to Fred Wilson Road at Marshall Road and being portions of Section 17, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, for the Spur 601 Highway Project.
- 8B.** An Ordinance granting a Special Privilege to Texas Tech University Health Sciences Center El Paso permitting the construction, regulation, installation, and maintenance of one emergency telephone on a portion of public right-of-way at Alberta Avenue and the regulation and maintenance of fiber optic telecommunications cable within four 1.25" subsurface conduits along portions of public right-of-way at Raynolds Street, Concepcion Street, and Alberta Avenue.
- 8C.** 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 delete the prohibition of parking on Mills Avenue between Ochoa Street and Virginia Street, south side; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MARCH 23, 2010, FOR ITEMS 8A – 8C**

- 8D.** An Ordinance changing the zoning of a portion of Lots 1 and 15, save and except two portions thereof attached hereto, Block 3, Lots 2 through 14, Block 3, WFF Industries Park Unit One Replat A, City of El Paso, El Paso County, Texas, from M-1/SC (Manufacturing/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8E.** An Ordinance changing the zoning of Lots 14 through 16, Block 59, east El Paso, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8F.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions); Chapter 20.06 (Zoning Districts and Maps), Section 20.06.010 (Districts Established and Enumerated) and 20.06.020 (Purpose of Districts) and Chapter 20.10 (Supplemental Use Regulations), 20.16 (Screening and Fencing) and Appendix A (Table of Permissible Uses) and Appendix B (Table of Density and Dimensional Standards) of the El Paso City Code, to add a definition for Natural Open Space, establish a Natural Open Space District; establish standards for supplemental uses in Open Space Districts; to establish permissible use and density and

dimensional standards in Open Space Districts. The penalty is as provided for in chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON APRIL 6, 2010, FOR ITEMS 8D – 8F**

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**9A.**

**ORDINANCE 17287**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1, 2, AND THE SOUTH 8 FEET OF LOT 3, BLOCK 88, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**9B.**

**RESOLUTION**

**WHEREAS**, Rosa Guzman, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of a retail building; and

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

**WHEREAS**, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS**, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a retail building on the following described property which is located in a S-D (Special Development) District:

Lots 1, 2, and the South 8 Feet of Lot 3, Block 88, Campbell Addition, City of El Paso, El Paso County, Texas, 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 S-D (Special Development) District regulations.

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 S-D (Special Development) 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. Philip Etiwe, Development Review Manager, commented.

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

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**9C.**

**ORDINANCE 17288**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), SECTION 2.16.050 (SPECIAL EXCEPTIONS), OF THE EL PASO CITY CODE TO AMEND THE SPECIAL EXCEPTIONS FOR FRONT, SIDE STREET, AND REAR YARD SETBACKS, REDUCTION OF OFF STREET PARKING REQUIREMENTS, AND CARPORT OVER A DRIVEWAY. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 (ENFORCEMENT-PENALTY) OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representatives Ortega, Robinson, Byrd, Quintana, and Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Cynthia Osborn, Assistant City Attorney, gave legal advice.

Motion duly made by Representative Ortega, seconded by Representative Lilly, 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**9D.**

**RESOLUTION**

That the El Paso City Council hereby designates the entire length of the street currently known as Spur 601, which is located between Patriot Freeway U.S. Highway 54 and Purple Heart Loop 375 (as identified in Exhibit "A"), and authorizes the City Manager to take the necessary steps to designate the name Liberty Expressway in addition to Spur 601. This is located within the City of El Paso, El Paso County, Texas.

Mayor Cook and Representatives Holguin and Ortega commented.

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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**10A.**

**ORDINANCE 17289**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), SUBSECTION J (NO PARKING 7:00 A.M. TO 4:00 P.M.), OF THE EL PASO CITY CODE BY ADDING HADLOCK STREET FROM A POINT 50 FEET SOUTH OF ALAMEDA AVENUE TO DUNNE AVENUE, WEST SIDE ONLY; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Acosta commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Mayor Pro Tempore Acosta, 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, Robinson, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.  
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TAKEN WITH ITEM 3B  
10B.

**ORDINANCE 17290**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.48 (LOADING ZONES, BUS AND TAXISTANDS), SECTION 12.48.040 (PUBLIC CARRIER STOPS, STANDS, AND ROUTES – AUTHORITY TO DESIGNATE), REQUIRING THE TRAFFIC ENGINEER TO DESIGNATE ROUTES AND STOPS FOR PASSENGER COMMON-CARRIER VEHICLES AND REPEALING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.081 (SCHEDULE VIIIA – COMMON CARRIER PASSENGER ROUTE ESTABLISHED); THE PENALTY BEING AS PROVIDED IN CHAPTER 12.84 (VIOLATIONS – PENALTY) OF THE EL PASO CITY CODE..**

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Robinson and Ortega commented.

Motion duly made by Representative 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, Robinson, Quintana, Holguin, Ortega, and O’Rourke  
NAYS: None

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

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**11.**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 16324, AMENDED BY ORDINANCE NO. 17165 RELATING TO THE PUBLIC ART PROGRAM, TO EXCLUDE INFORMATION TECHNOLOGY PROJECTS.**

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

Ms. Joyce Wilson, City Manager, and Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinance be **DELETED**. Whereupon the Mayor ordered that a vote be taken on the deletion of the Ordinance which when so done resulted as follows:

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

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

12A.

**RESOLUTION**

**WHEREAS**, the Mayor and City Council represent the citizens of the El Paso;

**WHEREAS**, the citizens of El Paso are deeply concerned about harmful effects of payday and auto title lending practices in El Paso and elsewhere in the state of Texas;

**WHEREAS**, in the state of Texas there are over 2,800 of these unlicensed and unregulated lending storefronts, making an estimated \$3 billion in high-cost loans to Texas families each year;

**WHEREAS**, there are many of these loan outfits in our local community promising “easy credit” only to hurt people with annual percentage rates upwards of 500%, and loan terms that often pull people deeper into debt;

**WHEREAS**, 15 states and the District of Columbia have adopted a 36% or lower annual percentage rate cap for these small loans and the federal government has adopted a similar rate cap for payday and auto title loans to the military based on a Department of Defense finding that these loans “undermine military readiness, harm the morale of troops and their families, and add to the cost of fielding an all-volunteer fighting force”; and

**WHEREAS**, we see a crisis in our community and we need action at the state level to enforce fair consumer lending standards in Texas.

**NOW, THEREFORE, BE IT RESOLVED** that the City of El Paso urges the Texas State Legislature and the Governor of Texas to take action in the next regular session of the State Legislature in 2011 to enact laws that will:

1. Close the loopholes in state law that allows payday, auto title, and other consumer loans to carry annual percentage rates upwards of 500%;
2. Provide a level playing field by requiring all lenders and brokers of payday, auto-title, or other consumer loans to be licensed and to comply with the same standards and consumer protection laws of licensed lenders under Chapter 342 of the Texas Finance Code; and
3. Create a system to collect consumer loan data from lenders and brokers of consumer loans to ensure that these outfits engage in fiscally sound lending that supports the well-being of our communities.

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

Mr. Larry Garcia, Executive Director of El Paso Affordable Housing, commented.

The following members of the public commented:

1. Ms. Rosa De Leon, American Association of Retired Persons (AARP)
2. Mr. Eloiso De Avila, Co-Chair of El Paso Interreligious Sponsoring Organization (EPISO)
3. Mr. Saul Frank, President of Benny's Payday Advances

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

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**12B. MAYOR AND COUNCIL – Legislative Review Committee Report**

- 1. For notation: Formal Report of the Planning and Development Legislative Review Committee meeting held on March 4, 2010, as submitted by Representative Ann Morgan Lilly, Chair; and,
- 2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
  - A) Recommending changes to the bicycle parking requirements in Title 20 (Zoning) of the City Code, as follows:
    - (1) Clarifying that 100% of the required bicycle parking shall be maintained, whether or not an off-street parking reduction is granted by City Council or under administrative approval;
    - (2) Changing the requirement so that bicycle racks are located within fifty feet of a building’s main entrance; and
    - (3) Considering opportunities for placement of bicycle parking within adjoining public rights-of-way where no other location is available within a private property, and maintaining public safety in all instances.

Mayor Cook and Representatives Lilly, Robinson, O’Rourke, Holguin, Byrd, and Quintana commented.

Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure, commented.

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

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**12C. DEVELOPMENT AND INFRASTRUCTURE**

Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **DIRECT** the City Manager to initiate a change to the bicycle parking requirements in Title 20 (Zoning) of the City Code, as follows:

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

- A) Clarifying that 100% of the required bicycle parking shall be maintained, whether or not an off-street parking reduction is granted by City Council or under administrative approval;
- B) Changing the requirement so that bicycle racks are located within fifty feet of a building’s main entrance; and
- C) Considering opportunities for placement of bicycle parking within adjoining public rights-of-way where no other location is available within a private property, and maintaining public safety in all instances.

Mayor Cook and Representatives Lilly, Robinson, O’Rourke, Holguin, Byrd, and Quintana commented.

Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure, commented.

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13.

## RESOLUTION

**WHEREAS**, the Neighborhood Improvement Program was categorized as a Priority Program, in which the requested projects from Recognized Neighborhood Associations must be for permanent public improvements that benefit all neighborhood residents and the general public at large; and

**WHEREAS**, approximately \$450,000.00 in 2008 Certificate of Obligation funding was made available for the Neighborhood Improvement Program (NIP) and are available for a third round of Neighborhood Improvement Program funding for eligible public improvement projects and program administration costs; and

**WHEREAS**, the NIP Review Committee has completed its review of the applications and has provided recommendations for NIP projects for the third round of NIP funding; and

**WHEREAS**, the Director of Community and Human Development, Neighborhood Services Division staff, and the NIP Review Committee recommend a Round III of NIP funding as provided in Exhibit "A" and that City Council approve a waiver of the per project funding cap.

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

1. That City Council hereby approves the Neighborhood Improvement Projects the NIP Review Committee has recommended for expenditure of designated third round NIP funds and approves waiver of program guidelines related to the identified projects in Districts 2, 5, 6 and 8, all projects specifically being set forth in Exhibit "A" with the following revisions: (1) the funding for District 8 project is capped at \$78,482 available funds with staff to seek other funding sources, including Community Development Block Grant funds, to cover the cost difference; and (2) the \$12,966 in remaining funds for District 5 will be allocated to the District 5 project for canopy expansion or installation of additional park tables, if canopy expansion is not possible; and
2. That the City Manager or her designee is directed to proceed with allocation of the funds for the third round of NIP projects, as approved of herein, in order to begin implementation of the approved NIP projects in the third round of NIP funding.
3. That the City Manager or her designee is directed to conduct a limited fourth round of NIP projects in order to exhaust the remaining District fund balances.

Mr. Mark Alvarado, Neighborhood Services Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Lilly, Director of Community and Human Development
3. Mr. Javier Reyes, Engineering Division Manager

The following members of the public commented:

1. Mr. Eloiso De Avila, Santa Lucia Catholic Church and EPISO
2. Mr. Osvaldo Velez, Southside Neighborhood Association
3. Mr. Arturo Villareal, Montoya Heights Neighborhood Association
4. Mr. Jorge Almada, Central Neighborhood Association

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

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

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

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution, **WITH THE AMENDMENT TO CAP DISTRICT 8'S PROJECT ON THE AVAILABLE FUNDING AMOUNT OF \$73,482 AND TO LOOK AT OTHER FUNDING INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANTS AND TO USE THE REMAINING FUNDS IN DISTRICT 5 OF \$12,966 TO GO TO THE EXPANSION OF THE CANOPY AT PEBBLE HILLS PARK IF POSSIBLE AND IF NOT, TO USE THE FUNDS FOR ONE OR TWO PICNIC TABLES IN THE PARK AND TO DIRECT STAFF TO DO A LIMITED ROUND 4 TO EXHAUST THE BALANCES.**

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 12:12 p.m.  
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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk