

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 20, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alejandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Ann Morgan Lilly and Beto O'Rourke at 8:39 a.m. during Executive Session deliberations. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. MONTH OF THE CHILD**
- 2. GREAT AMERICAN MEATOUT DAY**
- 3. POISON PREVENTION WEEK**

MAYOR'S RECOGNITION

**YOUTH IN GOVERNMENT DAY:
PRESENTATION BY YOUTH IN GOVERNMENT DELEGATES
REGARDING THE NEW CURFEW ORDINANCE**

**Eloisa Mena (Chapin High School), District 2
Vahid Torabi (Burgess High School), District 3
Cheryl Cunningham (Chapin High School), District 4
Yamel Yvette Guerra (El Dorado High School), District 5
Michael Zamorano (Ysleta High School), District 6
Luisa Ruiz (Irvin High School), District 7
Ana Patricia Tellez (Bowie High School), District 8
Randell Jared Knotts (Burgess High School), Mayor**

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. Walt Phillips
- 2. Ms. Lisa Turner
- 3. Mr. Ray Gilbert
- 4. Mr. Jose Contreras
- 5. Mr. Richard Schechter
- 6. Mr. Marvin Rosenbaum

Representatives Byrd, O'Rourke, Presi Ortega, Jr., and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Holguin, seconded by Representative Castro, to **SUSPEND THE RULES OF ORDER** and allow Mr. Rosenbaum an additional minute to address the Council. The motion **FAILED**.

AYES: Representatives Castro, Holguin, and O'Rourke

NAYS: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., and Steve Ortega

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Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, Jr., 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.

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

NAYS: None

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

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:29 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Desert Adapt vs. City of El Paso; Cause No. EP-06-CV-292-DB. (551.071).

NO ACTION was taken on the item.

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EX2. Jackie Lynn Wilkins, et. al, vs. The City of El Paso; Cause No.: 2002-1765. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried that the City Attorney be **AUTHORIZED TO PROCEED** with an appeal in the case entitled Jackie Wilkins, et. al. vs. the City of El Paso; Cause No. 2002-1765.

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

NAYS: Representative Castro

EX3. Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the outside counsel for the City of El Paso be **AUTHORIZED TO REJECT** Plaintiff's settlement demand and be authorized settlement authority, to negotiate settlement agreement, and sign all documents to resolve the lawsuit styled Rafael Gardon vs. City of El Paso; Cause No. 2003-493.

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EX4. Discussion and action on legal questions relating to the professional services contract between the City of El Paso and Patricia A. Shipton. (551.071).

NO ACTION was taken on the item.

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ADDITION TO THE AGENDA

EX1. Issac Hernandez v. City, et al., Cause No. EP-06-CV-433. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City Attorney's Office be **AUTHORIZED SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and sign all necessary documents to resolve the lawsuit entitled Isaac Hernandez, et. al. vs. Salvador Parra, et. al.; Cause No. EP-06-CV-0433-PRM.

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

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CONSENT AGENDA

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 13, 2007, and the Special City Council Meeting of March 12, 2007 (Agenda Review).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.

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3A.

***RESOLUTION**

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

That the City Manager be authorized to sign Supplemental Agreement No. 1 to Lease No. DTFA 07-02-L-05224 by and between the City of El Paso ("Lessor") and the United States of America, represented by the Federal Aviation Administration ("Lessee"), to amend the basic lease to install and maintain a new generation runway visual range (RVR) rollout for Runway 22.

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3B.

***RESOLUTION**

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

That the City Manager be authorized to sign a La Placita Lease Agreement between the City of El Paso and ShoeSpring, Inc.™ dba Spira™ to lease space within La Placita Shopping Mall in the Airport Terminal, El Paso, Texas effective April 1, 2007.

Representative Steve Ortega commented.

Mr. Pat Abeln, Director of Aviation, commented.

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3C.

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

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

That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and El Paso Sun Park, Ltd. ("Lessee") for the following described property:

Portion of Lots 4, 5 and 6, Block 10, El Paso International Airport Tracts Unit 7, City of El Paso, El Paso County, Texas, municipally known and numbered as 8500 Boeing, containing 70,278 square feet or 1.613 acres of land.

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3D.

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

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), BK Fisher, Limited Partnership ("Assignor") and STAG II El Paso, L.P. ("Assignee") for the following described property:

All of Lots 1 and 2, Block 9, and all of Lots 10 and 11, Block 11, Butterfield Trail Industrial Park Unit Two, City of El Paso, El Paso County, Texas, municipally known and numbered as #12 Leigh Fisher, #24 Leigh Fisher and #47 Butterfield Circle, El Paso, Texas.

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3E. RESOLUTION

Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

9203 Santa Rosalia Court	\$28,097.13	District 6
Francisco Manuel Trueba		

*Motion made, seconded, and unanimously carried to **POSTPONE** the item for one week.

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3F.

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

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

WHEREAS, El Paso Outlet Center, LLC is the property owner of 80.65 acres of property located in the City of El Paso's west extraterritorial jurisdiction; and,

WHEREAS, B.A.R. Construction, Inc. and El Paso Jamas, L.T.D. are property owners of 57.23 acres of property located in the City of El Paso's west extraterritorial jurisdiction; and,

WHEREAS, JNC Development, L.P. is the property owner of 35.913 acres of property located in the City of El Paso's east extraterritorial jurisdiction; and,

WHEREAS, El Paso Outlet Center, LLC, B.A.R. Construction, Inc., El Paso Jamas, L.T.D and JNC Development, L.P have entered into development agreements with the City of El Paso and under the development agreements the property owners have requested annexation into the City of El Paso; and,

WHEREAS, Section 43.052(h) of the Local Government Code provides that certain annexations do not have to be included in the City of El Paso's Annexation Plan; and,

WHEREAS, Section 43.061 through 43.065 of the Local Government Code provides for an expedited procedure for annexations exempted from the Annexation Plan; and,

WHEREAS, Section 43.065 of the Local Government Code requires that prior to the publication of notice of the first hearing on annexation that the governing body direct its planning department to prepare a service plan;

WHEREAS, City Council has determined that for future annexations falling within the exemptions of Section 43.052(h) that the Development Services Department will be directed to prepare a service plan,

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

THAT the City Council directs the City of El Paso's Development Services Department to prepare a service plan that provides for the extension of full municipal services to the following areas to be annexed:

Property described as a portion of Tract 8, Nellie D. Mundy Survey No. 239, approximately 80.65 acres of property located in the City of El Paso's west extraterritorial jurisdiction owned by El Paso Outlet Center, LLC.

Property described as Tracts 9C, 9D, 9D1, and 10, Block 13 Upper Valley Surveys Northeast corner of Borderland Road and Westside Drive, approximately 57.23 acres of property located in the City of El Paso's west extraterritorial jurisdiction owned by B.A.R. Construction, Inc. and El Paso Jamas, L.T.D.

Property described as Tract 2-A, 2A1, and Tract 3-A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, County of El Paso, Texas approximately 35.913 acres located in the City of El Paso's east extraterritorial jurisdiction owned by JNC Development, L.P.

THAT for future annexations, the City Council directs the City of El Paso's Development Services Department to prepare a service plan that provides for the extension of full municipal services provided that the proposed annexed area meets at least one of the criteria listed below:

1. The proposed annexed area contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; or
2. The proposed annexed area is being annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners as provided by Subchapter B of the Local Government Code; or
3. The proposed annexed area is the area is or was the subject of:
 - a. an industrial district contract under Section 42.044 of the Local Government Code; or
 - b. #a strategic partnership agreement under Section 43.0751 of the Local Government Code; or
4. The proposed annexed area is located in a colonia, as that term is defined by Section 2305.581 of the Government Code; or
5. The proposed annexed area is located completely within the boundaries of a closed military installation.

Representative Byrd commented.

Ms. Lisa Turner and Mr. Ray Gilbert, citizens, commented.

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3G.

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

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Alegro Engineering, L.P., to perform professional services for a project known as "Cohen Stadium Improvements" in an amount not to exceed twenty-eight thousand three hundred sixty and 00/100 dollars (\$28,360.00).

Representative Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Reyes, Engineering Division Manager
3. Mr. Alan Shubert, Interim City Engineer

Ms. Lisa Turner and Mr. Richard Schecter, citizens, commented.

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3H.

1ST MOTION

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

R E S O L U T I O N

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Sites Southwest, L.L.C. to perform professional services for a project known as "Open Space Enhancements – District 2" in an amount not to exceed eighty-four thousand one hundred eighty-eight and 50/100 dollars.

Representative Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Reyes, Engineering Division Manager
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **APPROVE** the Resolution with amendment to the agreement.

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

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3I.

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

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Brock & Bustillos, Inc. to perform professional services for a project known as "Little Flower Street and Drainage Improvements" in an amount not to exceed one hundred fifty-seven thousand three hundred forty-two and 00/100 dollars.

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3J.

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

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and CSA Consulting Engineers, Inc. to perform professional services for a project known as "Concrete Intersection Improvements Phase I" in an amount not to exceed three hundred twenty-seven thousand five hundred ninety-two and 00/100 dollars.

Representative Castro commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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3K. RESOLUTION

That, the City Manager be authorized to send a letter on behalf of the El Paso City Council to be addressed and delivered to the United States Department of the Interior Bureau of Reclamation, Albuquerque Area Office, expressing the City of El Paso's desire that the "Rio Bosque Alternative" be incorporated into the Environmental Assessment and selected as the Preferred Alternative for the proposed "El Paso County Riverside Canal and Structure Improvement Project."

Ms. Joyce Wilson, City Manager, commented.

*Motion made, seconded, and unanimously carried to **POSTPONE** the item for one week.

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4A. REINSTATEMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Cottrill, Donald – Communication Dispatcher
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4B. REINSTATEMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Hernandez, Concepcion – Property & Evidence Specialist
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5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Andre Ewing to the Ethics Review Commission by Representative Melina Castro, District 4.
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5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Roxanne Varela to the Cultural Affairs Advisory Board by Representative Melina Castro, District 4.
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5C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Carole Hunter to the Art Museum Advisory Board by Representative Melina Castro, District 4.
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5D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Jane Ratcliff to the Art Museum Advisory Board by Representative Melina Castro, District 4.
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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Anna Pilhoefer to the Cultural Affairs Advisory Board by Representative Steve Ortega, District 7.
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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Barbara Rodgers to the Retired and Senior Volunteer Program Advisory Council – RSVP by Representative Melina Castro, District 4.
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6C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Amanda Burns to the City-County Animal Shelter Advisory Committee by Representative Melina Castro, District 4.
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6D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Frederick J. Shuford to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4.
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6E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Steven Woods to the El Paso Mountain Committee by Representative Melina Castro, District 4.

6F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sal Rodriguez Sr. to the Zoning Board of Adjustment by Representative Eddie Holguin Jr., District 6.

7. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to issue a Purchase Order to E-Z GO, Division of Textron, Inc., under Contract No. TXMAS-5-78010 (Sports, Promotional, Outdoor, Recreation, Trophies, and Signs/Sports) for the purchase of 88 golf carts and miscellaneous carts for the Butterfield Trail Golf Course. This purchase is being done through Texas Building and Procurement Commission’s (TBPC) TXMAS program. The participation in this program was approved by City Council on March 6, 2007. Total award is \$383,124.00

Department: Department of Aviation
Funds Available: 62620026-508027-41063-PAP0023
Funding Source: EPIA Enterprise Funds
Amount: \$383,124.00
Reference No.: 2007-136

Mr. Richard Schecter, citizen, commented.

8A. BEST VALUE PROCUREMENTB

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-094 (Janitorial Services-Three Hills Recreation Center) to Total Cleaning Services for a total estimated award of \$51,426.72.

Department: Parks and Recreation
Award to: Total Cleaning Services
El Paso, TX
Items: All
Account No.: 51010256-01101-502226 and
51510077-16342-502206-P500253
Funding Source: General Funds and Westside Rec. Center Users fee
Total Estimated Award: \$51,426.72

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award to the vendor offering the best value bid.

8B. BEST VALUE PROCUREMENTB

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-088, (EPIA Aircraft Rescue & Firefighting Station), to Arrow Building, Corp. for an estimated amount of \$98,000.00.

Department: El Paso International Airport
Award to: Arrow Building, Corp.

El Paso, Texas
Estimated Base Bid: \$98,000.00
Account No.: 62620029-PAP0041-41081-508027
Funding Source: Airport Revenue

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

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer or Interim City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a unit-price contract.

The Departments of Financial Services, Engineering and Airport Departments recommend award to the bidder offering the best value bid.

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9A. BID

*Motion made, seconded, and unanimously carried to **REJECT** Bid Solicitation No. 2007-105, (Maintenance Service [Oil & Lube] Light Duty Vehicles), as recommended by Financial Services - Purchasing Division and General Services - Fleet Division due to the fact that no vendor met the minimum specifications of this solicitation.

A new solicitation will be issued.

Department: General Services- Fleet Division
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9B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-096 (Communication Cable) to Orange County Fiber Optics for a total estimated award of \$25,550.00.

Department: Streets
Award to: Orange County Fiber Optics
Manhattan Beach, CA
Item(s): 1 and 2
Account No.: 32010288-01101-503203 and
99331117-27263-508027-PCP06ST013
Funding Source: Operating Account – Traffic Signals – Public Access
Maintenance and Repairs – FY06 CO's – Construction
(Signal Flasher Install)
Total Estimated Award: \$25,550.00

This is a requirements type contract for twelve months.

The Departments of Financial Services and Streets Department recommend award as indicated to the lowest responsive, responsible bidder.

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9C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-081 (2" Galvanized Sign Posts – Light Weight) to Pathmark Traffic Products for a total estimated award of \$141,784.00.

Department: Streets
Award to: Pathmark Traffic Products
San Marcos, Texas
Item(s): 1 to 15
Account No.: 32010200-503203-01101-32000
Funding Source: Street Department General Operations Funds –
Public Access Maintenance and Repairs
Total Estimated Award: \$141,784.00

This is a requirements type contract with an initial term of twenty-four months.

The Departments of Financial Services and Streets Department recommend award as indicated to the lowest responsive, responsible bidder.

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10A. – 10B. INTRODUCTIONS

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

A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040, Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph H (No Parking 7:00 a.m. to 5:00 p.m.) of the El Paso City Code to delete Subparagraph 2 of Paragraph H. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 10, 2007, FOR ITEM A

B. An Ordinance changing the zoning of Lot 1, Block 300, Vista Del Sol Unit 62 Replat A, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to A-3 (Apartment), and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00161. (District 7) [Development Services, Arlan Greer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON APRIL 10, 2007, FOR ITEMS B

NOT PRESENT FOR THE VOTE: Representative Castro
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11A.

ORDINANCE 16586

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 41, BLOCK 100, CHAPARRAL PARK UNIT 22 REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/C (COMMERCIAL/CONDITION) TO P-R I/C (PLANNED RESIDENTIAL I/CONDITION) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, 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, Lozano, Holguin, Steve Ortega, and O'Rourke

NAYS: None

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

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

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11B.

ORDINANCE 16587

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00162 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 11-14, BLOCK 146, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, Lozano, Holguin, Steve Ortega, and O'Rourke

NAYS: None

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

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

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11C.

ORDINANCE 16588

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF H.G. FOSTER SURVEY NO. 262, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3A (RESIDENTIAL) TO P-R I (PLANNED RESIDENTIAL I), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lozano and Lilly commented.

Mr. Richard Schechter, citizen, commented.

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

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

NAYS: None

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

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

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11D.

ORDINANCE 16589

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF DAKOTA STREET RIGHT-OF-WAY, HIGHLAND PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. SUBJECT PROPERTY: SOUTHWEST CORNER OF INTERSECTION OF PORTLAND AVENUE AND DAKOTA STREET.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Byrd, 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, Lozano, Steve Ortega, and O'Rourke

NAYS: None

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

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

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12. PUBLIC HEARING – MAYOR AND COUNCIL

An Ordinance relating to the use of the power of Eminent Domain in the Redevelopment Districts of The Downtown 2015 Plan.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

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

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **POSTPONE** the item for one week. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin

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

2ND MOTION

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

3RD AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

13A.

ORDINANCE 16590

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NO. 016538 WHICH AMENDED TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.041 (SCHEDULE IV(A) - PARKING PROHIBITED DURING CERTAIN HOURS, SCHOOL DAYS ONLY), PARAGRAPH A (NO PARKING 7:00 A.M. TO 4:00 P.M.) OF THE EL PASO CITY CODE BY ADDING BOTH SIDES OF ALEX GUERRERO CIRCLE.**

Representatives Lozano and Holguin commented.

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

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

NAYS: None

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

13B.

ORDINANCE 16591

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS) OF THE EL PASO CITY CODE TO AMEND ZONE N: NO PARKING 7:00 A.M. – 4:00 P.M., SCHOOL DAYS ONLY, ON BOTH SIDES OF ALEX GUERRERO CIRCLE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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

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

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

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13C.

ORDINANCE 16592

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS), SUBSECTION B AMENDING TO ADD SUBPARAGRAPH 31 (RESERVED FOR LIBRARY VEHICLES ONLY) OF THE EL PASO CITY CODE TO RESERVE THREE SPACES WITHIN THE CURB SETBACK ON THE WEST SIDE OF OREGON STREET BETWEEN FRANKLIN AVENUE AND MISSOURI AVENUE AND TWO SPACES ON THE NORTH SIDE OF FRANKLIN AVENUE BETWEEN OREGON STREET AND EL PASO STREET. THE PENALTY BEING AS PROVIDED IN SECTION 12.48.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representatives O'Rourke and Steve Ortega commented.

Mr. Ted Marquez, Engineering Division Manager, and Ms. Carol Brey-Casiano, Director of Libraries, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED, AS AMENDED**. 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, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lozano, Castro, and Holguin

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

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14. MAYOR AND COUNCIL

Discussion and action on the signing of an Agreement on Cross Border Communication and Emergency Response strategies for the communities of Ciudad Juarez, Chihuahua, Mexico, the City of El Paso, Texas, United States, and the City of Sunland Park, New Mexico, United States.

*Motion made, seconded, and unanimously carried to **POSTPONE** the item for one week.

15A. CITY MANAGER

That the City Council authorizes the establishment of the El Paso Youth Council and directs the City Manager or a designee to take any steps necessary to effectuate the recruitment, activities, and management of the El Paso Youth Leadership Council.

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for one week.

NOT PRESENT FOR THE VOTE: Representatives Lozano and Holguin

15B. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

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

16. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **APPROVE** Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Saipan and Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

SAIPAN DISTRICT

1. 301 Ledo, Elvira Macias, \$55,000.00, Property Acquisition; \$30,320.00, Bridge/Replacement Property
2. 305 Ledo, Delia M. Escarcega, \$57,000.00, Property Acquisition
3. 309 Ledo, Abraham & M. De la Rosa, \$68,000.00, Property Acquisition
4. 312 Ledo, Rocio Chavez, \$55,000.00, Property Acquisition; \$25,300.03, Bridge/Replacement Property
5. 321 Ledo, Felipe Barraza, \$61,000.00, Property Acquisition
6. 325 Ledo, Jose L. & Raquel M. Gaytan, \$63,000.00, Property Acquisition; \$28,682.00, Bridge/Replacement Property
7. 409 Ledo, Mary S. Mijares, \$59,000.00, Property Acquisition
8. 412 Ledo, Juana Montes, \$69,000.00, Property Acquisition
9. 406 Radford, Rosendo Lopez & Maria Torres, \$59,000.00, Property Acquisition; \$27,420.00 Bridge/Replacement Property
10. 304 Saipan, Valeria Mena, \$61,000.00, Property Acquisition; \$28,120.00, Bridge/Replacement Property
11. 312 Saipan, Carmelo Hernandez, \$58,000.00, Property Acquisition
12. 316 Saipan, Manuel J. Hinojosa, \$55,000.00, Property Acquisition
13. 321 Saipan, Leopoldo & M. Garcia, \$67,000.00, Property Acquisition; \$30,920.00, Bridge/Replacement Property
14. 324 Saipan, Antonio & Elma Lopez, \$63,000.00, Property Acquisition

- 15. 325 Saipan, Geronimo & Rosario M. Alire, \$61,000.00, Property Acquisition
- 16. 409 Saipan, Aurelia N. Nevarez, \$59,000.00, Property Acquisition

MOWAD DISTRICT

- 1. 149 B. Mowad St., Jose V. & Estela Salgado, \$95,000.00, Property Acquisition; \$38,770.00, Bridge/Replacement Property
- 2. 151 A. Mowad St., Ricardo & Felipa Torres, \$19,220.00, Bridge/Replacement Property
- 3. 156 Mowad St., Manuel & Rafael Banuelos, \$95,000.00, Property Acquisition; \$33,770.00, Bridge/Replacement Property
- 4. 164 B. Mowad St., Bertha A. & Juan G. Saldivar, \$99,000.00, Property Acquisition; \$44,630.00, Bridge/Replacement Property
- 5. 169 Mowad St., Jose D. & Ana Medel, \$137,000.00, Property Acquisition; \$54,070.00, Bridge/Replacement Property
- 6. 171 Mowad St., Socorro Martinez, \$88,000.00, Property Acquisition
- 7. 179 Mowad St., Ramon M. Flor, \$30,151.00, Bridge/Replacement Property
- 8. 195 Mowad St., Jose & Elodia Mijares, \$51,770.00, Bridge/Replacement Property
- 9. 196 C. Mowad St., Maria & Augustine Saldivar, \$37,770.00, Bridge/Replacement Property
- 10. 196 D. Mowad St., Andrea Gonzales, \$22,000.00, Property Acquisition, \$25,420.00, Bridge/Replacement Property
- 11. 197 Mowad St., Maria G. Ramirez, \$62,000.00, Property Acquisition
- 12. Vacant Lot "TR16-N-1", Marisela Escobedo, \$22,000.00, Property Acquisition

Representatives Presi Ortega, Jr. and Byrd commented.

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

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17.

RESOLUTION

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Champlain Cable Corporation, a Delaware Corporation ("Applicant"), in relation to the Applicant's development of a wire fabrication plant in El Paso, Texas.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Lucy Ponticelli, Economic Development Manager
- 3. Mr. Javier Gadney, Business Services Coordinator
- 4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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

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

NAYS: Representatives Castro and Holguin

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18. **FINANCIAL SERVICES - BID**

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2007-091 (Navistar/International Proprietary Parts & Service) to Border International Trucks for a total estimated award of \$540,000.00.

Department: General Services - Fleet
Award to: Border International Trucks
El Paso, Texas
Item(s): Group A: 1
Group B: 1, 2, 3, 4, and 5
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two additional years if the option is exercised within two years from the date of the award.
Account No.: 37370510 – 503121 - 45202
Funding Source: General Services-Fleet Division Internal Service Fund
Total Estimated Award: \$540,000.00

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

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

Representatives Castro, Holguin, and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.
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Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 1:04 p.m.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk