

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 23, 2010
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:32 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals Ann Morgan Lilly at 8:34 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:53 a.m. during Executive Session deliberations, and Rachel Quintana at 9:11 a.m. 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. WORLD TB DAY**
- 2. EL PASO COMMISSION FOR WOMEN'S HALL OF FAME INDUCTION DAY**
- 3. DEVELOPMENTAL DISABILITIES AWARENESS MONTH**
- 4. UNITED STATES BOWLING CONGRESS WOMEN'S CHAMPIONSHIP MONTHS**

RECOGNITION

**Gene Colabro - Spirit Of Amigo Award
El Paso Convention and Visitors Bureau**

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. Jerry Thiedt
2. Mr. Joe Chaparro
3. Mr. Salvador Gomez
4. Mr. Jorge Artalejo
5. Mr. Michael Spurlock, legal counsel for El Paso Housing Authority

Mayor Cook commented.

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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Motion made by Representative Robinson, seconded by Representative O'Rourke, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Lilly, Quintana, Holguin, and Ortega

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:10 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. Claim of Richard Gallegos; Our File No. 10-C-033. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **DENY** claimant's settlement demand in the claim of Richard Gallegos, Our File No. 10-C-033.

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

NAYS: None

ABSTAIN: Representatives Quintana and Holguin

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EX2. Discussion and action on negotiations regarding parcels on the east side of the mountain owned by Daniel T. Knapp, R. E. Knapp, Palo Verde Properties LP, R.E., and R.A. Knapp. (551.071 and 551.072)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried to **REJECT** the offer to sell to the City of El Paso the real estate on the east side of the mountain submitted on behalf of Daniel T. Knapp, R. E. Knapp, Palo Verde Properties LP, R.E. and R.A. Knapp including, but not limited to a 6-month lease to allow time for the City to secure funding.

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

NAYS: None

ABSTAIN: Representative Holguin

EX3. Claim of Francisco Ramirez d/b/a Flamingo Motors; Our File No. 10-C-001. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **DENY** claimant's settlement demand in the claim of Francisco Ramirez d/b/a Flamingo Motors, Our File No. 10-C-001.

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

NAYS: None

ABSTAIN: Representatives Quintana and Holguin

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TAKEN WITH ITEM 9

EX4. Texas Gas Service Statement of Intent to Increase Rates within El Paso Service Area. (551.071)

NO ACTION was taken on the item.

Mayor Cook commented.

Ms. Krystal Parker, Vice President of Texas Gas Service, 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 16, 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**

That the City Manager be authorized to execute standard contracts between the City of El Paso and Department-approved contractors to perform eligible weatherization energy conservation services on approved residential units pursuant to the City's Department of Energy (DOE) and Texas Department of Housing and Community Affairs (TDHCA) Weatherization Assistance Program (WAP); and that the City Manager or her designee be authorized to execute standard grant agreements and related documents between the City of El Paso and eligible applicants to provide for the energy assessments and weatherization improvements on the approved eligible residential units.

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, and Mr. William Lilly, Director of Community and Human Development, commented.

3B.

***RESOLUTION**

WHEREAS, the El Paso Water Utilities Public Service Board at its regular meeting of March 10, 2010 passed a resolution approving the First Amendment to the Rio Grande Project Implementing Third-Party Contract among the United States of America Department of the Interior Bureau of Reclamation, the El Paso County Water Improvement District No. 1, and the City of El Paso joined by its Public Service Board for conversion of Rio Grande Project water to municipal use; Delivery of District Water to the Jonathan Rogers Water Treatment Plant; and Delivery by the City of El Paso of Usable Sewage Effluent to the El Paso County Water Improvement District No. 1, and requested that the City Council authorize the Mayor to execute the Contract Amendment. All other provisions, terms and conditions of the Contract were affirmed and confirmed to continue in all respects; and,

WHEREAS, the City Council of the City of El Paso, Texas finds that it is in the public interest of the citizens of El Paso for the City to sign the First Amendment to the Rio Grande Project Implementing Third-Party Contract among the United States of America Department of the Interior Bureau of Reclamation, the El Paso County Water Improvement District No. 1, and the City of El Paso joined by its Public Service Board for conversion of Rio Grande Project water to municipal use; Delivery of District Water to the Jonathan Rogers Water Treatment Plant; and Delivery by the City of El Paso of Usable Sewage Effluent to the El Paso County Water Improvement District No. 1, NOW THEREFORE,

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

The Mayor is hereby authorized to sign on behalf of the City of El Paso, the First Amendment to the Rio Grande Project Implementing Third-Party Contract among the United States of America Department of the Interior Bureau of Reclamation, the El Paso County Water Improvement District No. 1, and the City of El Paso joined by its Public Service Board for conversion of Rio Grande Project water to municipal use; Delivery of District Water to the Jonathan Rogers Water Treatment Plant; and Delivery by the City of El Paso of Usable Sewage Effluent to the El Paso County Water Improvement District No. 1.

Representative Ortega commented.

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, commented

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TAKEN WITH ITEM 10D

3C.

RESOLUTION

WHEREAS, the City awarded Contract No. 2006-040 to Sanchez & Sons Trucking Inc. DBA Edge Kawasaki of El Paso, Texas, on December 11, 2007, for Kawasaki Motorcycles Parts & Service for General Services Department, Fleet Division; and

WHEREAS, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminates said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Sanchez & Sons Trucking Inc. d/b/a Edge Kawasaki, that the City is terminating Contract No. 2006-040 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of March 23, 2010.

Representative Ortega commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, and Mr. Stuart Ed, Director of General Services, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA AND TAKE WITH ITEM 10D.**

2ND AND FINAL MOTION

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

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3D.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement (the "Agreement") between the City of El Paso, Texas ("City") and the Ysleta del Sur Pueblo ("Pueblo") to facilitate fire and emergency response during emergency conditions occurring within the City or the Pueblo, to expire on August 31, 2010, or as extended by the Parties.

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3E.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement (the "Agreement") between the City of El Paso, Texas ("City") and the El Paso County Emergency Services District No. 1 ("District") to provide fire and emergency response during emergency conditions occurring within the City or the District, to expire on September 30, 2010, or as extended by the Parties.

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3F.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement (the "Agreement") between the City of El Paso, Texas ("City") and the El Paso County Emergency Services District No. 2 ("District") to provide fire and emergency response during emergency conditions occurring within the City or the District, to expire on September 30, 2010, or as extended by the Parties.

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3G.

***RESOLUTION**

That the City Manager be authorized to sign an Automatic Aid Agreement between the City of El Paso and the Fort Bliss Fire & Emergency Services allowing the El Paso Fire Department to respond to emergencies at the National Guard Reserve Center, 11701 Montana Avenue, Ft. Bliss, Texas and allowing the Fort Bliss Fire & Emergency Services to respond to emergencies at Spur 601 and portions of Loop 375 between Spur 601 and Sergeant Majors Boulevard.

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3H.

***RESOLUTION**

WHEREAS, the City is eligible to apply to the Federal Emergency Management Agency's U.S. Fire Administration 2009 Staffing for Adequate Fire and Emergency Response (SAFER) Part of the Assistance to Firefighters Grant Program for hiring firefighters to enhance the safety of the Fire Department and protect the community from fire and fire-related hazards.

WHEREAS, the City acknowledges the requirements of the grant regarding the retention of new hires and maintaining staffing levels, and is willing to commit to retaining the SAFER-funded fire fighters for one full year after the end of the period of performance with 100% of the funds for the retention to be paid by the City, as the City's local contribution or match in order to obtain the award of the grant.

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

That the City Council ratifies and concurs with the submission of the application to the Federal Emergency Management Agency's U.S. Fire Administration 2009 Staffing for Adequate Fire and Emergency Response (SAFER) Part of the Assistance to Firefighters Grant Program, for a total amount not to exceed \$1,632,809.00 for hiring firefighters to enhance the safety of the Fire Department to protect the community from fire and fire-related hazards; matching funds required from a recipient city in order to qualify for the award in the amount necessary to fully fund the retention of the SAFER-funded fire fighters for one full year after the end of the period of performance.

Mayor Cook and Representatives Acosta and O'Rourke commented.

Fire Chief Otto Drozd commented.

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3I.

***RESOLUTION**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Rate Analyst is hereby created as specified in the duties and responsibilities. The Code is 20430. The Grade is PM 128.

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3J.

***RESOLUTION**

WHEREAS, there is existing Fiber Optic Cable Related Infrastructure along roadways and right-of-way within the control of Texas Department of Transportation (TxDOT); and

WHEREAS, the City wants to use the Fiber Optic Cable Related Infrastructure to connect certain city facilities to the City's infrastructure backbone; and

WHEREAS, the City and TxDOT desire to enter into an agreement to allow the City of El Paso to connect to and/or use the Fiber Optic Cable Related Infrastructure for the purpose of transmitting traffic safety and transportation-related data.

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

That the City Manager is authorized to sign the Multiple Use Agreement for Sharing Fiber Optic Cable Related Infrastructure with the Texas Department of Transportation, substantially in the form submitted, for the purpose of transmitting traffic safety and transportation-related data.

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3K.

***RESOLUTION**

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the Ysleta Independent School District (the "District"), for the purpose of the development and joint use of parks and recreational facilities including a public pathway on District lands, with the improvements being a part of a District project funded by the Community Development Block Grant.

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3L.

***RESOLUTION**

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Independent School District (the "District"), for the purpose of the development and joint use of parks and recreational facilities including track and field facilities and basketball courts at the joint park site located on Guillen Middle School lands, with the improvements being a part of a District project funded by the Community Development Block Grant.

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3M.

***RESOLUTION**

That the City Manager be authorized to sign an Interlocal Agreement between the City of El Paso, County of El Paso, Socorro Police Department and Horizon Police Department to submit a joint application to the U.S. Department of Homeland Security – Operation Stonegarden 2010, in the amount of \$5,098,225.00. If the Operation Stonegarden 2010 Grant Award is less than the amount requested, and is not allocated specifically between the parties, the Operation Stonegarden Grant Award will be shared proportionally in the same proportion as the funds requested as described in Attachment A. The City grant funds will be utilized to enhance the capability of the El Paso Police Department to detect, prevent, and deter terrorists, weapons of mass destruction, transnational gangs, and smuggling of contraband. These efforts are expected to reduce crime in the border community to ultimately improve the quality of life for the residents in the City of El Paso. That the City Manager or her designee be authorized to sign and grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match in required.

Representatives Acosta, O'Rourke, Ortega, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Jerome Johnson commented.

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3N.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Cooperation Agreement by and between the City of El Paso ("City") and the El Paso County Community College District ("EPCC") allowing the City to facilitate certain sidewalk improvements along part of the EPCC Transmountain campus perimeter in exchange for EPCC's payment for the full cost of those improvements.

Representative Robinson commented.

Mr. Daryl Cole, Director of Street Department, commented.

4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Gilbert Guillen to the Empowerment Zone Advisory Board by Representative Carl Robinson, District 4.

4B. BOARD APPOINTMENT

1ST MOTION

*Motion made, seconded, and unanimously carried to **APPOINT** Gerald Smola to the Committee on Border Relations by Representative Carl Robinson, District 4.

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **POSTPONE** the appointment one week.

4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ira L. "Joe" Barbe to the Animal Shelter Advisory Committee by Representative Susie Byrd, District 2.

4D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Francisco J. Ortega to the Art Museum Advisory Board by Representative Susie Byrd, District 2.

5A. 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 PlayPower LT Farmington, Inc./All Play, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07, for playground equipment for Modesto Gomez Park, Pebble Hills Park, Tierra del Este #50A Park, Tierra del Este #50B Park, Indian Heights Park, and Tierra del Este #44. Total estimated expenditures are \$229,857.78. The participation by the City of El Paso, in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard, was approved by Mayor and City Council on August 21, 2007.

Department:	Engineering
Funding Source:	Parkland Dedication, 2008 Reprogramming Parks Proportionality, and other funding sources
Total Estimated Amount:	\$229,857.78
Reference No.:	2010-184

5B. 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 Allen Vanguard Technologies, Inc. to purchase two EOD 9 Bomb Suit and Helmet Ensembles and two SRS 5 Suit and Helmet Ensembles under Cooperative Purchasing Program GSA Contract, Schedule 84, GS-07F-0207M for El Paso Police Bomb Squad. Total estimated amount of \$65,996.15.

Department: Police
Funding Source: Urban Area Security Initiative (UASI) Program FY08
Total Estimated Amount: \$65,996.15
Reference No.: 2010-140

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6. BEST VALUE PROCUREMENT

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **AWARD FOR ONE YEAR** Solicitation No. 2010-095 (Disposal of Waste Tires) to Chaparral Sand & Gravel, LLC for a total estimated award of \$36,000.

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

Department: Environmental Services
Award to: Chaparral Sand & Gravel, LLC
Chaparral, NM
Items: Group A, Item 1
Annual Estimated Amount: \$36,000
Funding Source: Environmental Services Operating Account
Total Estimated Award: \$36,000 (1 year)

This is a 12-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 Environmental Services recommend award to Chaparral Sand & Gravel, LLC, the vendor offering the best value bid.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Ellen Smyth, Director of Environmental Services
5. Mr. Daryl Cole, Director of Street Department

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7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-109 (Detroit Diesel Proprietary Parts and Service) to Stewart and Stevenson, LLC for a total estimated award of \$240,000.

Department: Fire

Award to: Stewart and Stevenson, LLC
 El Paso, TX
 Items: Part A (Parts) and Part B (Service)
 Option: 2 years
 Annual Estimated Amount: \$80,000
 Funding Source: General Fund
 Total Estimated Award: \$240,000 (3 years)

This is a low bid, price-list contract. This is a 36-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 Fire recommend award as indicated, to the sole, responsive, responsible bidder.

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8A. – 8D. INTRODUCTIONS

Motion made by Representative Ortega, 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, AS REVISED**, for public hearing:

- 8A.** An Ordinance vacating to public vehicular traffic a portion of River Bend between Little Lane and the Montoya Lateral, within Los Paseos Replat A Subdivision, City Of El Paso, El Paso County, Texas
- 8B.** An Ordinance vacating to vehicular traffic a portion of a 20.00-foot alley within Block 47, Campbell Addition, amending Subdivision, City of El Paso, El Paso County, Texas.
- 8C.** An Ordinance vacating to vehicular traffic a portion of 8th Avenue between Stanton Street and Mesa Street, within Campbell Addition, amending Subdivision, City of El Paso, El Paso County, Texas.
- 8D.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and El Paso Tennis and Swim Club for the lease of a portion of Arroyo Park totaling 9.212 acres, El Paso, Texas, for a term of twenty years and canceling the lease agreement approved by Ordinance No. 2872, 4559, 5826, 6868, and 14092.

PUBLIC HEARING WILL BE HELD ON MARCH 30, 2010, FOR ITEMS 8A – 8D

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 TAKEN WITH ITEM EX4

9. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **POSTPONE** three weeks, to a Special City Council Meeting, the item on discussion and action regarding Texas Gas Service's, a division of ONEOK, Inc., Statement of Intent to Increase Rates filed December 3, 2009.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. William Studer, Deputy City Manager of Finance and Public Safety

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

The following members of the Public Utility Regulation Board commented:

1. Mr. William Stafford Thurmond
2. Mr. Moises Rodriguez
3. Ms. Lisa Turner

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Ms. Krystal Parker, Vice President of Texas Gas Service, and Mr. Alan Holman, legal counsel for Texas Gas Service, commented.

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10A. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a purchase order to ExerPlay, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07, for playground equipment for Valley Creek Park, Van Buren Park, Green Lilac Park, Borderland Village #1 Park, Esmeralda Park, Franklin Hills #8 Park, Hueco Club Estates #1 Park, Tierra del Este #18 Park, Tierra del Este #30 Park, Tierra del Este #27 Park, Montwood Heights Park, Pecan Grove Park, Father Pete Martinez Park, Little River Park, Summit Heights/Fillmore Park, McArthur Park, Milagro Park, Hueco Mountain Park, Paseos del Sol Park, Sandstone Ranch Estates Park, Sandstone Ranch Park, and Tierra del Este #56. Total estimated expenditures are \$850,098.25. The participation by the City of El Paso in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard was approved by Mayor and City Council on August 21, 2007.

Department: Engineering
Funding Source: Parkland Dedication, 2008 Reprogramming Parks Proportionality, Community Development Block Grant (CDBG), and Neighborhood Improvement Program (NIP) and other funding sources
Total Estimated Award: \$850,098.25
Reference No.: 2010-186

Representative Ortega commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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10B. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue purchase orders to Checkpoint Services Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-890, for a total amount not to exceed \$600,000 for Dell branded hardware and related services for various City Departments as the need arises. Participation by the City of El Paso in the DIR Program was approved by City Council on February 27, 2007.

Department: Financial Services – Purchasing Division
Funding Source: Various
Total Estimated Award: \$600,000
Reference No.: 2010-183

Representative Quintana commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

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10C. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a purchase order to The Playwell Group, Inc., under Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard Contract #269-07 for playground equipment for Franklin Park, Thorn Park, Pebble Hills Park, Cimarron #4 Park, Cimarron #1 Park, Esmeralda Park, Hueco Club Estates #1 Park, Hueco Club Estates #2 Park, Tierra del Este #50A Park, Tierra del Este #50B Park, McArthur Park, Colonia Verde Park, Pecan Grove Park, Percy Gurrola Park, Hidden Valley Park, De Vargas Park, Pueblo Viejo Park, Father Pete Martinez Park, Summit Heights/Fillmore Park, Todd Ware Park, Little River Park, Franklin Heights #8 Park, Sandstone Ranch Estates Park, Sandstone Ranch Park, Milagro Park, and Riverbend. Total estimated expenditures are \$1,332,154. The participation by the City of El Paso, in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard, was approved by Mayor and City Council on August 21, 2007.

Department: Engineering
Funding Source: Parkland Dedication, Community Development
Block Grant (CDBG), Neighborhood Improvement Program (NIP), and other
funding sources
Total Estimated Award: \$1,332,154
Reference No.: 2010-185

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TAKEN WITH ITEM 3C

10D. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2010-120 (Police Motorcycles Parts, Service, and Maintenance) to Sanchez & Sons Trucking, Inc. d/b/a Edge Kawasaki for a total estimated amount of \$606,000.

Department: General Services
Award to: Sanchez & Sons Trucking, Inc. DBA Edge Kawasaki
El Paso, TX
Items: All Items: Part A, Part B, and Part D
Option: 1 year
Annual Estimated Amount: \$202,000
Funding Source: Internal Service Fund
Total Estimated Award: \$606,000 (3 years)

This is a 36-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 General Services recommend award as indicated to the sole responsive, responsible bidder.

Representative Ortega commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, and Mr. Stuart Ed, Director of General Services, commented.

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11A.

ORDINANCE 17291

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 17, BLOCK 258, VISTA DEL SOL UNIT 45, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O/C (APARTMENT/OFFICE/ CONDITIONS) TO C-1/C (COMMERCIAL/CONDITIONS) AND MODIFYING CONDITION NO. 1 PLACED ON THE PROPERTY BY ORDINANCE NO. 9955, AND ADDING TWO CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Motion duly made by Representative Quintana, 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, 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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11B.

ORDINANCE 17292

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1-7, BLOCK 229, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

AYES: Representatives Lilly, Byrd, 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**.

.....
ITEMS TAKEN TOGETHER

11C.

ORDINANCE 17293

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 17-20, BLOCK 121, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO**

COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO A-2 (APARTMENT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

11D.

ORDINANCE 17294

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00075 TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 17-20, BLOCK 121, MORNINGSIDE HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Byrd commented.

Mr. Fred Dalbin, Wright and Dalbin Architects, and Mr. David Gillooly, TVP Non-Profit Corporation, commented.

Mr. Rodolfo Mena, citizen, commented.

Motion duly made by Representative Byrd, seconded by Representative Ortega, that the Ordinances be **ADOPTED WAIVING THE ALLEY PAVING REQUIREMENTS**. 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, Acosta, Robinson, 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 WAIVING THE ALLEY PAVING REQUIREMENTS**.

.....
11E. 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: a portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to A-O (Apartment/ Office); and, Parcel 2A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 2B: a portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q/SC (Quarry/Special Contract) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 3A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-4/C (Commercial/Condition), and imposing conditions; and, Parcel 3B: a portion of Tracts 5 and 8 and all of Tract 5a, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas; be changed from Q/SC (Quarry/Special Contract) to C-4/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Representative Quintana stated the affected district should be District 5.
.....

11F. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** seven weeks the Public Hearing on a Resolution approving a detailed site development plan for all of Tracts 4B and 4D, M.J. McKelligon Survey No. 270, City of El Paso, El Paso County, Texas, pursuant to a condition Imposed by Ordinance No. 011247. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

11G.

RESOLUTION

WHEREAS, Kingdom Hall of Jehovah’s Witnesses, (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 new 5,032 square-foot Kingdom Hall of Jehovah’s Witnesses auditorium, including office, library, reading room, and stage, with 75 parking spaces and 3 bicycle parking spaces. Access to the subject property is proposed from George Dieter Drive; 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 new 5,032 square-foot Kingdom Hall of Jehovah’s Witnesses auditorium, including office, library, reading room, and stage, with 75 parking spaces and 3 bicycle parking spaces. Access to the subject property is proposed from George Dieter Drive on the following described property which is located in a C-1/sc (Commercial/special contract) District:

A portion of Lot 11, Block 5, Hueco View Acres, 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 C-1/sc (Commercial/special contract) 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 C-1/sc (Commercial/special contract) 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 years from the date hereof.

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

12.

ORDINANCE 17295

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

Mayor Cook and Representative Byrd commented.

Ms. Terry Quezada, Capital Improvement Program Administrator, commented and Mr. Robert Andron, general counsel for El Paso Water Utility, gave legal advice.

Motion duly made by Representative Byrd, seconded by Representative Robinson, 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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13A.

ORDINANCE 17296

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

Motion duly made by Mayor Pro Tempore Acosta, 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, 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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13B.

ORDINANCE 17297

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

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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TAKEN WITH ITEMS 15A, 15B, AND 15C

14.

ORDINANCE 17298

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) TO DELETE REFERENCES TO THE EL PASO DOWNTOWN MANAGEMENT DISTRICT AND TO ADDRESS SOLID WASTE COLLECTION AND RELATED SERVICE IN A DESIGNATED REQUIRED COMMERCIAL COLLECTION AREA; TO CLARIFY CLASS B GENERATORS IN SECTION 9.04.040; ADDING REQUIREMENTS FOR THE USE OF CLASS C-1 CONTAINERS IN SECTION 9.04.050; ADDING REQUIREMENTS FOR CERTAIN TEMPORARY EVENTS AND ACTIVITIES IN SECTION 9.04.190; TO CLARIFY THE FREQUENCY OF COLLECTION SERVICES IN SECTION 9.02.220, THE PENALTY IN SECTION 9.04.390 AND THE ADOPTION OF FEES IN SECTION 9.04.400A AND 9.04.400C; THE PENALTY AS PROVIDED IN SECTION 9.04.390 OF THE EL PASO CITY CODE.**

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Acosta, Lilly, Robinson, and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice
- 3. Ms. Josette Flores, Assistant City Attorney, gave legal advice and read revisions into the record.

The following members of the public commented:

- 1. Mr. Mike Breitingner, Executive Director of the El Paso Central Business Association
- 2. Ms. Jamie Gallagher, Borderplex Community Trust
- 3. Ms. Edie Zuvanich, Starr Western Wear
- 4. Mr. Ray Mancera
- 5. Ms. Bea Heist, Heist Disposal
- 6. Mr. Chuck Heist, Heist Disposal

7. Ms. Norma Borunda, former employee of El Paso Community Disposal and Recycling Service

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the signup period for the remainder of the City Council meeting.

2ND AND FINAL MOTION

Motion duly made by Representative Robinson, seconded by Representative Lilly, that the Ordinance be **ADOPTED, AS REVISED AND WITH THE EFFECTIVE DATE OF JUNE 1, 2010**. 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, Robinson and Holguin
NAYS: Representatives Acosta and Quintana
ABSTAIN Representatives Byrd, Ortega, and 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, AS REVISED AND WITH THE EFFECTIVE DATE OF JUNE 1, 2010**.

.....
ITEM TAKEN WITH ITEMS 14, 15B, AND 15C

15A.

RESOLUTION

WHEREAS, on March 23, 2010, the City Council of the City of El Paso passed and approved an ordinance amendment to City Code Chapter 9.04 requiring among other things that all the commercial waste generators within Required Commercial Collection Areas receive waste collection services from the City; and

WHEREAS, the City seeks to designate the area identified in the attached Exhibit "A" as a Required Commercial Collection Area; and

WHEREAS, the City Council finds that the designation of the property included in the attached Exhibit "A" as a Required Commercial Collection Area constitutes a benefit to the public, as it provides an enhanced service to that area in order to preserve the health and safety of the area;

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

THAT, the area identified in the attached Exhibit "A" be and hereby is designated as Required Commercial Collection Area #1.

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Acosta, Lilly, Robinson, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice
3. Ms. Josette Flores, Assistant City Attorney, gave legal advice and read revisions into the record.

The following members of the public commented:

1. Mr. Mike Breitinger, Executive Director of the El Paso Central Business Association
2. Ms. Jamie Gallagher, Borderplex Community Trust
3. Ms. Edie Zuvanich, Starr Western Wear
4. Mr. Ray Mancera
5. Ms. Bea Heist, Heist Disposal
6. Mr. Chuck Heist, Heist Disposal
7. Ms. Norma Borunda, former employee of El Paso Community Disposal and Recycling Service

Motion made by Representative Robinson, seconded by Representative Lilly, and carried to **APPROVE, AS REVISED AND WITH THE EFFECTIVE DATE OF JUNE 1, 2010**, the Resolution.

AYES: Representatives Lilly, Acosta, Robinson, Quintana, and Holguin

NAYS: None

ABSTAIN: Representatives Byrd, Ortega, and O'Rourke

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ITEMS TAKEN TOGETHER AND WITH ITEMS 14 AND 15A

15B. ENVIRONMENTAL SERVICES

Discussion and action on a Resolution authorizing the Mayor to sign, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD"), for the purpose of cleaning the sidewalks, alleys and storefronts located within the DMD geographic area in downtown El Paso for the period of three years.

15C. ENVIRONMENTAL SERVICES

Discussion and action on Resolution amending Schedule C for the City of El Paso Fiscal Year 2010 Budget Resolution, to add the formula for calculating the monthly fee and base fee for the service provided in Required Commercial Collection Area #1, for April 1, 2010, through August 31, 2010.

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Acosta, Lilly, Robinson, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice
3. Ms. Josette Flores, Assistant City Attorney, gave legal advice and read revisions into the record.

The following members of the public commented:

1. Mr. Mike Breitinger, Executive Director of the El Paso Central Business Association
2. Ms. Jamie Gallagher, Borderplex Community Trust
3. Ms. Edie Zuvanich, Starr Western Wear
4. Mr. Ray Mancera
5. Ms. Bea Heist, Heist Disposal
6. Mr. Chuck Heist, Heist Disposal
7. Ms. Norma Borunda, former employee of El Paso Community Disposal and Recycling Service

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to **DELETE** the items.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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16A. MAYOR AND COUNCIL – Legislative Review Committee Report

- 1. For notation: Formal report of the Environmental Services Legislative Review meeting held on February 25, 2010, as submitted by Representative Susie Byrd; and,
- 2. Discussion and action pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - A) Discussion and action on proposed revisions to Chapter 9.04 (Solid Waste Management) to impose flow control and provide for franchise agreements with private waste haulers.
 - B) Discussion and action on LRC direction regarding clean up requirements of vacant lots larger than 2 acres, Chapter 9.04.360.
 - C) Discussion and action of Section 20.02.1136 to discuss flea market vendors.
 - D) Discussion and action on Texas Bottle Bill and other environmental recycling initiatives.
 - E) Presentation and discussion on Environmental Assistance Network to provide assistance to city facilities and city departments related to environmental compliance with applicable regulations and permit requirements.

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

Ms. Ellen Smyth, Director of Environmental Services, commented.

NO ACTION was taken on the item.

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16B. MAYOR AND COUNCIL

Report by Mayor John Cook regarding trip to Washington D. C., March 7, 2010 - March 15, 2010, as part of Team El Paso, Texas Border Coalition, Tex-21 and National League of Cities.

Mayor Cook and Representative Byrd commented.

NO ACTION was taken on the item.

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16C. MAYOR AND COUNCIL

Update by the City Manager's office on the sidewalk food-vending proposal.

Mayor Cook and Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

Mr. David Morales, food vendor, commented.

NO ACTION was taken on the item.

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Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 2:35 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk