

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MARCH 31, 2009  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro, Rachel Quintana, and Eddie Holguin, Jr. at 8:36 a.m. during Executive Session deliberations and Ann Morgan Lilly at 8:42 a.m. during Executive Session deliberations. Early departure: Susannah M. Byrd at 5:10 p.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. SENIOR GAMES**
- 2. NATIONAL COMMUNITY COLLEGE MONTH**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Major General Matar, Royal Saudi Land Forces, Northern Area Command
2. Major General Mutlaq, Royal Saudi Land Forces, Northern Area Command
3. Ms. Mary Ann Snider
4. Ms. Sandra Barranco Garcia, Coordinator of Mexicans Living Abroad
5. Ms. Rene Paredes, Executive Assistant to the Tourism Secretary
6. Mr. Bob Norris

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

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council on Call to the Public.

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

Motion made by Representative Castro, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Snider an additional three minutes to address the Council.

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Norris an additional five minutes to address the Council.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 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, Castro, Quintana, and Holguin

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:26 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** Discussion and action regarding strategies and options related to Asarco bankruptcy. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **AUTHORIZE** outside counsel to file a response in ASARCO Bankruptcy case after consultation with the City Attorney as recommended by outside counsel.

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**EX2.** The purchase, exchange, lease, or value of property in the Franklin Mountains above Scenic Drive consisting of the land commonly known as the Star on the Mountain. (551.071 and 551.072)

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **PROCEED** to work with the Chamber to deed the Star to the City where they will maintain the lease for the site, not to exceed twelve months, and the City will assume the costs of the operation and maintenance of the star and instruct the City Manager to explore solar powered options and continue to explore corporate sponsorship to the underwrite the lease.

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Dayoub, President and Chief Executive Officer of The Greater El Paso Chamber of Commerce Foundation, commented.

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**EX3.** Workers' Compensation Subrogation Interest regarding Norberto Delgado. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that the City of El Paso **REJECT** the settlement offer in the lawsuit of Norberto Delgado vs. Veronica Salas, et al., Cause No. 2008-1637, as recommended by the City Attorney.

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

NAYS: None

ABSTAIN: Representative Lilly

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**CONSENT AGENDA**

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

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

NAYS: None

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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 24, 2009.

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

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

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**3A.**

**\*RESOLUTION**

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

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

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

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

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

to be \$336.46, performed by the Street Department of the City of El Paso, and \$150.00, performed by the City Clerk's Office and Development Services Department, making a total of \$486.46. The City Council finds that the work was completed on the 31<sup>st</sup> day of January 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of FOUR HUNDRED EIGHTY-SIX AND 46/100 DOLLARS (\$486.46) to be a lien on the above-described property.

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

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

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

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 25<sup>th</sup> day of March, 2003, after due notice and hearing, issued an order to MARIA BAXLEY, EXECUTRIX OF THE ESTATE OF ANGELICA REYES, record Owner of the hereinafter described property that the main structure be secured within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

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

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

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

Pt. Of Tract 17 BEG 5.99 FT. S of NWC 260.72 of W – 53.31 Ft. on S 293.39 Ft. on E – 38.4 Ft on N, McElroy Acres, an addition to the City of El Paso, El Paso County, Texas, more particularly described as 8232 McElroy Avenue, El Paso, Texas,

to be \$3,166.82, performed by the Street Department of the City of El Paso, and \$150.00, performed by the City Clerk's Office and Development Services Department, making a total of \$3,316.82. The City Council finds that the work was completed on the 31<sup>st</sup> day of January 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of THREE THOUSAND THREE HUNDRED SIXTEEN AND 82/100 DOLLARS (\$3,316.82) to be a lien on the above-described property.

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

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

.....  
**3B.**

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

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gloria Eenedina Limas for the purchase of the following parcel for the Stanton Street Toll Plaza Project, and the total purchase price which shall not exceed \$75,000:

south 24 feet of Lot 13 and north 1 foot of Lot 14, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in the Real

Property Records, El Paso County, Texas, and more commonly known as 1004 S. Mesa Street, El Paso, El Paso County, Texas.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Trinidad B. Acosta to the Foster Grandparent Program Advisory Council by Representative Beto O'Rourke, District 8.

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**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** William H. Wickline to the Retired and Senior Volunteer Program Advisory Council (RSVP) by Representative Melina Castro, District 4.

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**4C. 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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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Nancy Denise Harvey to the Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8.

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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Nancy Denise Harvey to the Animal Welfare Advisory Committee by Representative Beto O'Rourke, District 8.

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**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Steven A. Wnorowski to the City Plan Commission by Representative Eddie Holguin, Jr., District 6.

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**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Charles Carlton Hooten to the Animal Shelter Advisory Committee by Representative Melina Castro, District 4.

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**6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.:**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Applied Concepts Inc., the H-GAC contractor under contract number EF04-07-06 and the current provider of Stalker II Handheld Moving/Stationary Doppler Radar, in the amount of \$54,000. The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Police  
Account No.: 21150060 – 508007 – 16371 – P500231  
Funding Source: Police Restricted Federal Confiscated Funds, Public Safety Equipment  
Total Est. Award: \$54,000  
Reference No.: 2009-178  
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**7A. – 7F. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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:

- 7A.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to amend Sections 2.92.010 through 2.92.090 and Section 2.92.150; to add new definitions and standards of conduct, revise the duties and procedures of the Ethics Review Commission, revise the process for receiving and reporting gifts, create restrictions for officers and employees leaving City service, revise the complaint process, and create new violations; the penalty being as provided in Sections 2.92.150 and 1.08.010 - 1.08.030 of the El Paso City Code.
- 7B.** An Ordinance amending the final Project Plan and final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by Section 311.011(E) Texas Tax Code; also providing a severability clause.
- 7C.** 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 by adding Kerbey Avenue from Oregon Street to the alley east thereof, north side only, and from Oregon Street to a point 20 feet east thereof, south side only and from Mesa Street to a point 17 feet west thereof, south side only. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 7D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.32 (Pedestrians), Section 12.32.070 (Crosswalk on Piedras Street at Grant Avenue), of the El Paso City Code by repealing Section 12.32.070 (Crosswalk on Piedras Street at Grant Avenue). The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 7E.** An Ordinance granting a renewal of a franchise to Dominion Ambulance, LLC to operate a non-emergency ambulance transfer service.

**PUBLIC HEARING WILL BE HELD ON APRIL 7, 2009, FOR ITEMS 7A – 7E**

- 7F.** An Ordinance changing the zoning of Lot 1, Block 1, City View Subdivision, City of El Paso, El Paso County, Texas, from C-3/SC (Commercial/Special Contract), C-1 (Commercial), and A-O (Apartment/Office) to GMU (General Mixed Use). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON APRIL 21, 2009, FOR ITEM 7F**

**8A. DEVELOPMENT AND INFRASTRUCTURE:**

Update on Fort Bliss growth and the associated housing impacts on the City of El Paso and surrounding community, as presented by Colonel Edward Manning, Fort Bliss Garrison Commander.

Colonel Edward Manning, Fort Bliss Garrison Commander, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and commented.

Mr. Clark McChesney, Director of the Fort Bliss Transformation Office, commented.

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

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**8B.**

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

**WHEREAS**, Fort Bliss is expanding more than any other installation in the U.S. Armed Forces and by 2013 there will be an additional 28,000 troops stationed at Fort Bliss under Base Realignment and Closure (BRAC) and Grow the Army as well as an additional 37,000 accompanying family members; and

**WHEREAS**, the continued expansion of Fort Bliss has a significant and positive affect on the economic development of the City of El Paso with recent analyses projecting an annual economic impact of 3,400,000 billion dollars for the City alone; and

**WHEREAS**, recent local housing market analyses conducted by or on behalf of Fort Bliss have determined that at least 20,000 troops and civilian personnel and their family members are expected to reside within the greater El Paso community, however, the El Paso region currently lacks approximately 8,000 multi-family housing units which are needed to accommodate the dramatic population growth that will result from Fort Bliss expansion; and

**WHEREAS**, El Paso City Council has determined that it is necessary to establish a short-term city-wide multi-family housing needs incentive policy and accompanying Chapter 380 grant program that promotes and stimulates business activity that will result in the immediate construction of large-scale multi-family housing developments and will alleviate the critical housing needs of the City related to Fort Bliss expansion; and

**WHEREAS**, Article III, §52a, Texas Constitution and Chapter 380, Texas Local Government Code provides that a municipality may establish programs to promote local economic development and to stimulate business and commercial activity in the municipality; and

**WHEREAS**, El Paso City Council has also determined that supporting the continued expansion of Fort Bliss by means of the short-term incentive policy and Chapter 380 grant program described herein, will have a positive economic impact on the local economy and will further City Council's economic development objectives of increasing job creation, increasing redevelopment efforts, and increasing the City's property tax base.

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

1. **FINDINGS AND DETERMINATIONS.** The findings and determinations contained in the recitals above are incorporated herein to support the finding of a public purpose and establishment of the Multi-Family Housing Needs Incentive Policy and Chapter 380 Grant Program, pursuant to Chapter 380, Texas Local Government Code.
2. **PROGRAM ELIGIBILITY AND GRANT FUNDING AMOUNT.** An Applicant who constructs one or more new multi-family housing development projects each consisting of at least 150 housing units with a minimum total aggregate construction of 250 housing units, which are located within the City

limits, shall be eligible for annual reimbursement grants in an amount equal to the designated percentage of Applicant's actual payment of the fees identified in **Table 2** generated after the adoption date of this Resolution, with total aggregate reimbursement grant payments not to exceed the total value of the City's portion of the incremental ad valorem property tax revenue assessed against the subject property above the set base year per development for the term of the Chapter 380 Agreement ("the reimbursement cap"), in conformance with the following incentive schedule (**Table 1**):

**Table 1**  
**New Multi-Family Housing Units and Percentage(s) of Fee Reimbursement**

<p><b><u>Tier 1</u></b></p> <p>For Construction of Units 250 – 500: 25%</p>
<p><b><u>Tier 2</u></b></p> <p>For Construction of Units 250 - 500: 25%</p> <p>For Construction of Units 501 – 749: 50%</p>
<p><b><u>Tier 3</u></b></p> <p>For Construction of Units 250 – 500: 25%</p> <p>For Construction of Units 501 – 749: 50%</p> <p>For Construction of Units 750+ : 100%</p>
<p><b><u>For all Tiers:</u> The yearly percentage of fee reimbursement is based on total number of housing units completed in all Development Projects and will be determined on a yearly basis.</b></p>

**Table 2**  
**Project-Generated Fees Eligible for Reimbursement**

- Environmental Fees (per unit)	- Grading permit clearing & access
- Storm water Utility Fees (per unit)	- Plan checking fees
- Subdivision platting application fees (amending, major final, major combination, major preliminary, minor subdivision, resubdivision final, resubdivision preliminary, resubdivision combination)	- Sign permit fees
	-Building permit fees
- Rezoning application fees	- Vacation of recorded subdivision fees
- Special permit application fees	- Vacation of public easement fees
- Detailed Site Development application fees	- Vacation of public rights-of-way fees
- Zoning condition or amendment release application fees	-Dedication of Public easements by metes & bounds fees

- Off-premise sign demolition fees	- Dedication of rights of way by metes & bounds fees - ROW metes & bounds dedication fees
- Building demolition fees	- Parkland Fee
<b>Reimbursement of the identified fees above is available as applicable, and only if the Applicant was required to pay the fees listed.</b>	

In addition, if the Applicant is required to make a parkland dedication(s), the Applicant will be eligible for an additional amount equal to the per unit maximum Parkland fee (currently \$680/unit for multifamily development) less the applicable percentage reduction in Table 1, subject to the total reimbursement cap.

Further, Applicant's reimbursement eligibility is expressly subject to the following program requirements:

- A. **Minimum Construction required.** The Applicant must construct one or more new multi-family housing development projects each consisting of at least 150 housing units with a minimum total aggregate construction of 250 housing units to be eligible for annual reimbursement grants under the terms and conditions specified in its Chapter 380 Grant Agreement with the City. Only multi-family housing development projects that have not received any building permits prior to the adoption date of this Resolution are eligible for participation in this incentive program.

For purposes of this incentive program, "multi-family housing" means a dwelling or group of dwellings on one (1) lot or contiguous lots containing separate living units for five (5) or more families, but which may have joint services or facilities including duplexes, 3-4 unit structures, and apartment-type structures with five units or more. Multi-family housing also includes condominium units in structures of more than one living unit. Applicants are strongly encouraged to construct scattered site multi-family housing unit complexes.

For each multi-family housing development that consists of 400 or less housing units, the Applicant will be required to obtain a Certificate of Occupancy for such multi-family housing developments constructed within twenty-four (24) months from the execution date of the Chapter 380 Grant Agreement. For each multi-family housing development that consists of over 400 housing units, the Applicant will be required to obtain a Certificate of Occupancy for such multi-family housing developments constructed within thirty-six (36) months from the execution date of the Chapter 380 Grant Agreement. Where the parties' Agreement is amended to include additional multi-family housing development(s) that are eligible for reimbursement, the applicable Certificate of Occupancy issuance deadline governed by the size of each additional multi-family housing development shall run from the amendment execution date as to those additional development(s).

- B. **Site Development Plan.** The Applicant must submit a site development plan for each proposed multifamily housing development for administrative approval by the Development Services Department- Planning Division prior to the issuance of any building permits. The site development plan must include the following information: legal description of the property or metes and bounds description; boundaries of the property proposed for development; location and arrangement of structures; size and use of structures, including number of dwelling units and number of bedrooms in each unit; lots lines with dimensions of the areas; required yards and setbacks; landscaped planted areas, where applicable; curb cuts and driveways; pedestrian ways and sidewalks; stamp or seal of a professional engineer,

registered architect, or registered land surveyor who prepared the plans; on-side parking areas, and loading/unloading berths where applicable (showing number and size of on-site parking spaces, including accessible spaces, and lighting of parking areas); storm water drainage; retaining walls, where applicable; screening walls or fences, where required; utility rights-of-way and easements; size and sign of exterior signs; architectural design of buildings (side elevations). The Applicant shall also submit proof of ownership, certified city tax certificates for each parcel of property.

- C. **No Property Tax Delinquency.** Prior to the receipt of any reimbursement grant payments under this incentive program, the Applicant must demonstrate that it has incurred no delinquency taxes by providing certified city tax certificates for each parcel of property owned in the City of El Paso. Applicants who are exempt from payment of ad valorem property taxes on the subject property are deemed ineligible to participate in this incentive program.
  - D. **Permits.** The Applicant must demonstrate that it obtained all applicable approvals and permits required under federal, state, and local laws and regulations prior to commencing construction in order to be eligible for reimbursement under this incentive program.
  - E. **Separate Agreements required.** In order to take advantage of this incentive program, the Applicant must execute a separate Chapter 380 Agreement with the City, consistent with Chapter 380 of the Texas Local Government Code, agreeing to the terms and conditions under which Applicant will be entitled to reimbursement grant payments. Under any Agreement the duration of eligibility for receipt of annual reimbursement grant payments as to each development project shall be for five (5) years. The Agreement shall be in the form and substance substantially similar to the Chapter 380 Economic Development Program Agreement attached to this Resolution as **Exhibit "A"** and the City Manager is hereby granted authority to enter into and amend such Agreements when the proposed multi-family housing development meets the program guidelines and requirements specified herein.
  - F. **Documentation required.** As part of the Applicant's contractual obligations, Applicant will be required to provide documentation necessary to support each grant payment request, in the form prescribed by the City's Director of Economic Development.
3. **TERM.** The Multi-Family Housing Needs Incentive Policy and Chapter 380 Grant Program established herein shall exist from the date of the adoption of this Resolution until December 31, 2013, at which time this incentive program shall cease and no further Chapter 380 Agreements shall be executed under this program. The City's Director of Economic Development shall monitor this incentive program and if prior to December 31, 2013, the City will have incentivized the construction of approximately 8,000 multi-family housing units through the existing Chapter 380 Agreements, the El Paso City Council may reconsider the need for continuation of this program by separate formal action.

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager

2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure
3. Mr. Mathew McElroy, Deputy Director of Planning
4. Mr. William Lilly, Director of Community and Human Development
5. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

The following members of the public commented:

1. Ms. Sandra Attaguile
2. Mr. Matt Bohannon, Bohannon Development

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

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

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

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

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

NAYS: Representatives Byrd, Ortega, and O'Rourke

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**8C.**

**RESOLUTION**

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Kolmar Laboratories, Inc., a Delaware Corporation ("Applicant"), in relation to the Applicant's development of a Pharmaceuticals and Cosmetics manufacturing facility and headquarters in El Paso, Texas.

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

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

Mr. Bob Burns, Vice President of El Paso Regional Economic Development Corporation Business Development, and Mr. Bob Cook, President of El Paso Regional Economic Development Corporation, commented.

Mr. Robert E. Theroux, President and Chief Operating Officer of Kolmar Laboratories, Inc., and Mr. Bill Matos, Human Resource Director of Kolmar Laboratories, Inc., commented.

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

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

NAYS: None

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

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The City Council Meeting **RECESSED** at 1:48 p.m. and **RECONVENED** at 2:32 p.m.  
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**9A. FINANCIAL SERVICES:**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-009 (Temporary Personnel Backup Service for Various City Departments) to Adecco Employment Services, Advance'd Temporaries Inc., and Temporary Alternatives Inc. d/b/a dmDickason Personnel Services for a total estimated amount of \$610,330.

NOT PRESENT FOR THE VOTE: Representative Ortega

Department: Human Resources  
Award to: Vendor 1: Adecco Employment Services  
El Paso, TX  
Items: 1A, 1B  
Option: Two years  
Estimated Amount: \$39,000 (3-year total)

Award to: Vendor 2: Advance'd Temporaries Inc.  
Tyler, TX  
Items: 2A, 2B, 3A, 3B, 4A, 4B, 8A, 8B  
Option: One year  
Estimated Amount: \$162,240 (3-year total)

Award to: Vendor 3: Temporary Alternatives Inc.  
d/b/a dmDickason Personnel Services  
El Paso, TX  
Items: 5A, 5B, 6A, 6B, 7A, 7B, 9A, 9B, 10A, 10B  
Option: One year  
Estimated Amount: \$409,090 (3-year total)

Account No.: Various  
Funding Source: Various  
Total Estimated Award: \$610,330 (3-year total)

This is a thirty-six 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 Human Resources recommend award as indicated to the vendors offering the best value bid.

Representative Quintana commented.

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

**9B. FINANCIAL SERVICES:**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2009-075 (Janitorial Services – WIC Clinics) to The Eagle Janitorial Services for a total estimated amount of \$780,000.

Department: Health  
 Award to: The Eagle Janitorial Services  
 El Paso, TX  
 Items: All  
 Option: Two years  
 Annual Estimated Amount: \$260,000  
 Account No.: 41150011 – 502206 – 06341 – G4108AD  
 41150020 – 502215 – 06226 – G410906  
 Funding Source: Health Department  
 Total Estimated Award: \$780,000 (3-year total)

This is a thirty-six month requirements type contract for Janitorial Services – WIC Clinics.

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 Health recommend award as indicated to The Eagle Janitorial Services, the vendor offering the best value bid.

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**10A.**

**ORDINANCE 17093**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 12B AND A PORTION OF TRACT 12A, BLOCK 35, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO A-2 (APARTMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Holguin commented.

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

Mr. Ricardo Garcia and Ms. Maria Aguilar, citizens, commented.

Motion duly made by Representative Holguin, seconded by Mayor Pro Tempore 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, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

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

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**10B.**

**ORDINANCE 17094**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 7A, H.A. CHADWICK SURVEY NO. 253, AND A PORTION OF TRACT 2A, PEDRO PEREZ SURVEY 157, AND A PORTION OF TRACT 4A, A.L. WALTON SURVEY NO. 140, IN THE CITY OF**

**EL PASO, EL PASO COUNTY TEXAS, FROM R-4 (RESIDENTIAL) TO M-2 (HEAVY MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative O'Rourke commented.

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, Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

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

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**10C.**

**ORDINANCE 17095**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 14, RANCHLAND COMMERCIAL DISTRICT UNIT TWO, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore 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, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

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

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**11.**

**ORDINANCE 17096**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL APPROXIMATELY 1,448.9250 ACRES AND THREE IDENTIFIED ACCESS EASEMENTS, BEING A PORTION OF SECTIONS 3, 4, 9, 15, 16, 17, 18, 23 & 24, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, AND APPROXIMATELY 210.0026 ACRES BEING A PORTION OF TRACT 1A, S.J. LARKIN SURVEY NO. 269 AND TRACT 1, S.J. LARKIN SURVEY NO. 268, EL PASO, EL PASO COUNTY, TEXAS, TO THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS PARKS & WILDLIFE DEPARTMENT, FOR INCLUSION IN THE FRANKLIN MOUNTAINS STATE PARK.**

Mayor Cook and Representative Castro commented.

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

Mr. Charlie Wakeem and Ms. Judy Ackerman, citizens, commented.

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

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

NAYS: None

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

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12.

**ORDINANCE 17097**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), OF THE EL PASO CITY CODE TO REVISE PROVISIONS RELATING TO RENTALS AND OTHER USES OF PARKS AND RECREATION FACILITIES BY GOVERNMENT OFFICIALS AND MEMBERS OF THE PUBLIC.**

Ms. Judy Weiss, Assistant Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 4. Ms. Nanette Smejkal, Director of Parks and Recreation

The following members of the public commented:

- 1. Mr. Marc Salazar
- 2. Mr. Joe Montelongo
- 3. Ms. Mary Esparza

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Castro, that the Ordinance be **ADOPTED, AS REVISED**, and during the interim review period, Council declares Recreation and Senior Centers meeting room spaces to be limited public forums, available first come first served, free of charge. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Ortega

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.**

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**13A.**

**ORDINANCE 17098**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 2731 PORTLAND AVENUE TO THE EL PASO PRESERVATION ALLIANCE IN ACCORDANCE WITH SECTION 34.05 (I) OF THE TAX CODE.**

Representative Byrd commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, 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 17099**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 1123 - 1125 MISSOURI AVENUE TO HECTOR DURAN IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore 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, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**14. MAYOR AND COUNCIL**

Motion made by Representative Castro, seconded by Representative Ortega, and unanimously carried to **APPROVE** the request to allocate \$1,500 from District 4 discretionary funds to pay for installation of stop signs at the following locations:

- Snark Drive and Zeus Place
- Pickerel and Snark Drive
- Nike Lane and Zeus Place

Nike Lane and Pickerel  
Vanguard & Pickerel  
Bluewing and Bobwhite  
Bluewing and Macaw  
Bluewing and Dolphin  
Bluewing and Tarpon  
Bluewing and Sturgeon  
Bluewing and Teal  
Bluewing and Swallow Lane  
Add crosswalk at Blossom and Kellogg

Representative Castro commented.

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**15. DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC09-00005; 3200 Wheeling, El Paso, Texas, on February 2, 2009, to approve a Certificate of Appropriateness for the referenced property.

Representatives Byrd and Quintana commented.

Ms. Josette Flores, Assistant City Attorney, gave legal advice.

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**16. CITY MANAGER**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the Master Stormwater Management Plan for El Paso and the Community Advisory Report as recommended and approved by the El Paso Water Utilities Public Service Board.

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

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, Ms. Karen Stern, Engineer for El Paso Water Utilities, and Mr. John Balliew, Vice President of Operations of El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Charlie Wakeem
  2. Ms. Judy Ackerman
  3. Ms. Mary Frances Keisling
  4. Mr. Jerry Thiedt
  5. Mr. John Walton
- .....

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to **ADJOURN** this meeting at 5:18 p.m.

NOT PRESENT FOR THE VOTE: Representative Byrd

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk