

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 3, 2007  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:37 a.m. and Melina Castro at 8:40 a.m. during Executive Session deliberations. Absent: Ann Morgan Lilly requested to be absent. Early departures: Presi Ortega, Jr. at 1:39 p.m. and Beto O'Rourke at 1:51 p.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **NATIONAL COMMUNITY COLLEGE MONTH**
2. **CHILD ABUSE PREVENTION AND AWARENESS MONTH**
3. **NATIONAL CRIME VICTIMS RIGHT**
4. **PLAZA STARKEEPER'S MONTH**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Ray Gilbert
2. Mr. Richard Schecter
3. Ms. Lisa Turner
4. Ms. Edie Zuvanich
5. Mr. Richard Dayoub

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Dayoub an additional two minutes to address Council.

Mayor Cook and Representatives Holguin and Steve Ortega commented.

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

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Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 9:49 a.m. in order to convene the Special City Council Meeting.

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Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **RECONVENE** the City Council Meeting at 10:27 a.m.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE:    Representatives Castro and Holguin

ABSENT:      Representative Lilly

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, and unanimously carried to **ADJOURN** the Executive Session at 9:03 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:    Representatives Lozano and Castro

ABSENT:      Representative Lilly

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ITEMS TAKEN TOGETHER:

**EX1.** Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum - Insights. (551.071) and (551.072).

**16B. CITY MANAGER:**

City Manager's report of current events and issues:

Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum – Insights.

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

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, and Ms. Terri Cullen-Garney, Deputy City Attorney, gave legal advice.

Motion made by Representative Lozano, seconded by Byrd, and carried that:

1. The City **ACQUIRE** The El Paso Science Museum--Insights leasehold interest for \$1 million,
2. The City and The El Paso Science Museum—Insights **AGREE TO A MUTUAL TERMINATION OF THE PRESENT LEASE AGREEMENT** between the City of El Paso and The El Paso Science Museum—Insights, and
3. The City and The El Paso Science Museum—Insights **ENTER INTO A THREE YEAR LEASE AGREEMENT** subject to the following terms and conditions:
  - a. The City will agree to lease the building and associated land, including the parking area to Insights for a three-year term for \$10 a year.
  - b. Insights will continue to operate a science museum during the 3-year lease term, and Insights will be responsible for insurance, maintenance and repairs of the building and associated land.
  - c. In the event Insights is unable to secure an exhibit for the traveling exhibit space, Insights may sublet the space to third parties for appropriate science based exhibits on such reasonable terms as Insights and the third party may agree. At all relevant times, Insights will retain control of the premises.
  - d. The City may cancel the three-year lease with 6 months notice to Insights. The City agrees that it may cancel the lease during the three-year term for any reason but not for another museum related use. If the City should terminate the lease during the three-year term, the City will provide the remainder of any monies it has pledged toward the \$150,000 match without Insights providing the matching funds. If Insights should terminate the lease or cease to operate a science museum during the three-year lease term, Insights will reimburse the City on a prorated basis for any monies provided by the City toward the \$150,000 match.
  - e. The City and Insights agree that the City will provide a match up to \$150,000 provided Insights raises funds through grants or donations during the three-year lease term. The City's match of funds must be used in connection with the present location. Insights will provide an explanation of how the City's money will be used at the present site. Insights agrees that the monies used for the match will be those funds raised above its annual fundraising capacities of \$95,000, excluding income from admissions or sales revenues, and will be those funds raised after the date of the City Council's approval of the termination of the present lease and the new three-year lease. Any matching funds from the City will be available after Sept. 1, 2007. The City agrees to provide assistance through its grant writing opportunities to Insights during the identified three-year lease. If the City should terminate the lease during the three-year term, the City will provide the remainder of any monies it has pledged toward the \$150,000 match without Insights providing the matching funds.
4. The City Manger be **AUTHORIZED TO SIGN** all documents related to effectuate these actions.

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

NAYS: Representatives Castro and Holguin

ABSENT: Representative Lilly

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**EX2.** Discussion and action regarding Delta Air Lines, Inc., et. al., Chapter 11 Bankruptcy Proceeding. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, seconded by Representative Byrd, and unanimously carried that the City of El Paso **AUTHORIZES** the City Attorney’s Office and Outside Counsel for the City of El Paso not to respond to the objection filed by Northwest Airlines Corporation to the unsecured rejection proof of claim filed by the City of El Paso, and to agree to the reduced claim proposed by the debtor in the Northwest Airlines Corporation Bankruptcy Plan on behalf of the City of El Paso and any of its agencies and departments in relation to the bankruptcy case of Northwest Airlines Corporation, et. al., Case No. 05-17930 in the United States Bankruptcy Court, Southern District of New York. Additionally, that the City Manager is granted the authority to sell the reduced claim in her discretion and is granted the authority to vote in favor of the reduced claim, if not sold, on the Northwest Airlines Bankruptcy Plan.

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**EX3.** Discussion and action regarding Northwest Airlines, Corporation, et. al., Chapter 11 Bankruptcy Proceeding. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, seconded by Representative Byrd, and unanimously carried that the City of El Paso **AUTHORIZES** the City Attorney’s Office and Outside Counsel for the City of El Paso not to respond to the objection filed by Northwest Airlines Corporation to the unsecured rejection proof of claim filed by the City of El Paso, and to agree to the reduced claim proposed by the debtor in the Northwest Airlines Corporation Bankruptcy Plan on behalf of the City of El Paso and any of its agencies and departments in relation to the bankruptcy case of Northwest Airlines Corporation, et. al., Case No. 05-17930 in the United States Bankruptcy Court, Southern District of New York. Additionally, that the City Manager is granted the authority to sell the reduced claim in her discretion and is granted the authority to vote in favor of the reduced claim, if not sold, on the Northwest Airlines Bankruptcy Plan.

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**CONSENT AGENDA**

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

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

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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 27, 2007, and the Special City Council Meeting of March 26, 2007 (Thunder Canyon Ordinance Introduction).

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

\*Motion made, seconded, and carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of April 3, 2007.  
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3A.

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

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

**WHEREAS**, the Veterans in El Paso are an essential part of the City and contribute significantly to the community;

**WHEREAS**, the City of El Paso, Texas, one of the largest cities in the Southwest, has much need for a Veterans' Hospital;

**WHEREAS**, there are approximately 56,000 veterans, 843 of which are women within the tri-state area encompassing El Paso, Texas;

**WHEREAS**, many of these veterans are lacking access to doctors, surgeons and other medical specialist;

**WHEREAS**, whenever veterans need treatment for a special medical need they are required to travel to Lubbock, Waco, San Antonio, Albuquerque and sometimes are required to travel as far as Arizona;

**WHEREAS**, many of these veterans sometimes do not have the means to travel and receive their needed medical attention; and

**WHEREAS**, with the influx of more troops coming into the area and with many of these soldiers remaining in the area, more care and attention will be needed and there will be an essential need for a Veterans' Hospital.

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

That the City of El Paso is in support of bringing a Veterans' Hospital to this great city.

Representative Holguin read the Resolution into the record.

Ms. Lupe Weaver and Mr. John Ceballos, citizens, commented.

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3B.

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

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

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Sahara Air, LLC ("Assignor") and ATI Jet, Inc. ("Assignee") for the following described property:

Lot 12 and 13, Block 4, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, municipally known and numbered as 7007 Boeing, El Paso, Texas.

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3C.

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

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

**WHEREAS**, on August 24, 2005, the City of El Paso (“City”) entered into a Golf Course Management Agreement with KemperSports Management, Inc. (“KemperSports”) to provide development consulting, marketing and management through the construction, opening and operations of the Butterfield Trail Golf Club; and

**WHEREAS**, KemperSports conducted a market analysis of the fees charged at local and regional golf courses as well as the fees charged at other Fazio designed golf courses; and

**WHEREAS**, KemperSports has submitted to the City a recommended rate structure and proposed policy for promotional rates, special hotel package rates and rates for tournament rounds within the outlined rate structure to provide for flexibility in promoting and marketing the Butterfield Trail Golf Club throughout the year;

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

1. **THAT** effective on the date of opening of the Butterfield Trail Golf Club, the green fees charged at the Butterfield Trail Golf Club shall be as follows, which is inclusive of golf carts and range balls:

**Weekday (Mon – Fri) (7 days reservations permitted)**

Non-Resident	\$65
Tri-County	\$55
Resident (City of El Paso)	\$45
Senior (60 or over)	\$40
Junior (< 17 years old, walking rate)	\$20
Military (Active Duty)	\$40
Twilight	\$35

**Sat/Sun/Holidays (7 days reservations permitted)**

Non-Resident	\$80
Tri-County	\$70
Resident (City of El Paso)	\$60
Senior (60 or over)	\$50
Junior (< 17 years old - riding, w/adult)	\$30
Military (Active Duty)	\$50
Twilight	\$45

2. **THAT** KemperSports, after review and approval by the Department of Aviation and the City Manager, be given: (i) the authority to implement promotional rates, and establish a special rate applicable to hotels located on El Paso International Airport property for the express purpose of designing stay and play packages; (ii) the authority to negotiate the inclusive price of tournament rounds, of which the rates will fall within or above the rate structure noted herein; and, (iii) the flexibility to negotiate tournament package rates based on competitive factors as well as consideration for the time of year, time of week, and time of day proposed for such tournaments.

3. **THAT** tournament outing groups be granted booking privileges up to one (1) year in advance with appropriate deposits, while hotels be granted booking privileges up to thirty (30) days in advance.

4. **THAT** all other fees associated with the Department of Aviation as currently set forth in the FY 2007 budget resolution remain intact and are not modified by the present resolution.

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**3D.**

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

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

That the City Manager be authorized to sign a Contract between the City of El Paso and La Posada Home, Inc. to grant Supportive Housing Program (SHP) funds awarded to the City by the Department of Housing and Urban Development in the amount of \$53,545 to La Posada Home, Inc. to operate the Transitional Living Center located at 1926-1930 Bassett Avenue, for the term of April 1, 2007 to March 31, 2008, a one-year period.

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**3E.**

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

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

That the following project be designated for funding as a Community Housing Development Organization (CHDO) activity under the City's Fiscal Year 2005 HOME Grant Program:

The Marvelous Light Corporation, Inc., aka Marvellous Light Corporation  
Lawrence Avenue Project  
Acquisition, Design, and Construction - \$595,965.00; and

That the City Manager, on behalf of the City, be authorized to sign a CHDO-HOME Financial Terms Contract by and between the City and The Marvelous Light Corporation, Inc., aka Marvellous Light Corporation, a Community Housing Development Organization (CHDO) as defined under the HOME Program Regulations, in the amount of \$595,965.00; and

That the City Manager be authorized to sign a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) by and between the City, Marvelous Light Corporation, Inc., aka Marvellous Light Corporation, and the selected construction contractor, upon the recommendation of the Director of Community and Human Development, and the approval of the City Attorney's Office. (Funds for this project are available in Account: 09759-71150036/ G7106HM-505201 (\$595,965.00)

Mayor Cook and Representatives Steve Ortega and Byrd commented.

Mr. Jaime Herrera, Housing Program Specialist, and Mr. William Lilly, Director of Community Development, commented.

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

3F.

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

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

That the City terminate for convenience the contract between the City and Wilbur Smith Associates for a project known as "City of El Paso Annexation Assessment and Strategy," under the provisions of Section 4.2.1, Termination by Owner. The effective date of the termination shall be April 11, 2007.

Mayor Cook and Representative O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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3G.

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

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

**THAT** the City Manager be authorized to sign the 2006 Grant Adjustment Notice between the CITY OF EL PASO and the STATE OF TEXAS GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT (GDEM) in the amount of \$811,282.24 for the purpose of continuing efforts to prevent, prepare, respond, and recover from events involving all hazards in the City and County of El Paso. The City Manager or designee is also authorized to sign any related paperwork, including all understandings and assurances contained therein; to apply for, accept, reject, alter or terminate the grant, authorize budget transfers; submit any necessary revisions to the operational plan; execute on behalf of the City of El Paso any grant amendments or corrections to the initial Grant Agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required, or which decrease the amount of matching funds; to request and accept an extension of the award ending date for the grant; and that grant officials be as designated in the agreement.

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**3H. RESOLUTION**

Resolution authorizing the City Manager to sign the 2004 SHSP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) in the amount of \$24,104.73.

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

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**3I. RESOLUTION**

Resolution authorizing the City Manager to sign the 2004 LETPP Closeout Grant Adjustment Notice between the City of El Paso and the State of Texas Governor's Division of Emergency Management (GDEM) in the amount of \$3,496.34.

\*Motion made, seconded, and unanimously carried to **DELETE** the item.  
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3J.

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

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Construction Inspector Trainee is hereby created as specified in the duties and responsibilities attached hereto. The Code is 17290. The Grade is GS 45.

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3K.

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

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Fleet Maintenance Technician Trainee is hereby created as specified in the duties and responsibilities attached hereto. The Code is 18140. The Grade is GS 45.

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3L.

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

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Jose B. Aguirre to employ Jose B. Aguirre as an Information Systems Manager for the Information Technology Department at a biweekly rate of \$2,931.53. The term of the contract shall be for the period of April 10, 2007, through April 9, 2008.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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**4. REINSTATEMENT**

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

Sanchez, Jose – Electronic Technician

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Alan F. Jones to the Ethics Review Commission by Representative Presi Ortega, Jr.

Mayor Pro Tempore Presi Ortega, Jr. commented.

Mr. Richard Schecter, citizen, commented.

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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Lynn Fitzgerald to the Public Utility Regulation Board by Representative Beto O'Rourke, District 8.

Mr. Richard Schecter, citizen, commented.

**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Valente F. Saenz to the El Paso Mountain Committee by Representative Beto O'Rourke, District 8.

Mr. Richard Schecter, citizen, commented.

**6. DISCRETIONARY FUNDS**

\*Motion made, seconded and unanimously carried to **APPROVE** the request to expend District 7 discretionary funds, Council Special Projects, Department ID No. 01010007, Account No. 504420, Fund No. 01101, in an amount not to exceed \$7,500.00, to be used for a marquee, a building sign, and a display case in conjunction with the name change of the Lower Valley Branch Library to Judge Edward S. Marquez Mission Valley Branch Library.

**7. APPLICATIONS FOR TAX REFUND**

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

- A. Big 8 Foods, LTD. in the amount of \$10,000.00 overpayment of 2005 taxes. (PID #0094-999-5000-0000).
- B. Bank of America in the amount of \$2,922.96 overpayment of 2006 taxes. (PID #C518-999-0630-0100).
- C. Stewart Title in the amount of \$2,930.18 overpayment of 2006 taxes. (PID #C742-999-0010-2000).
- D. Manuel Zaragosa in the amount of \$3,394.78 overpayment of 2006 taxes. (PID #C942-999-0040-1200).
- E. Eion S. Gossett in the amount of \$3,090.00 overpayment of 2006 taxes. (PID #C942-999-0050-2300).
- F. Southwest Escrow, Inc. in the amount of \$2,739.62 overpayment of 2006 taxes. (PID #D457-000-0090-1800).
- G. FIS Tax Service in the amount of \$5,097.41 overpayment of 2006 taxes. (PID #F609-999-0010-1300).
- H. Washington Mutual in the amount of \$3,176.07 overpayment of 2006 taxes. (PID #H788-011-0170-0300).
- I. Southwest Escrow, Inc. in the amount of \$2,560.92 overpayment of 2006 taxes. (PID #L206-001-0030-1400).

- J. Colonial Savings in the amount of \$3,293.03 overpayment of 2006 taxes. (PID #M579-999-0030-0100).
- K. Edward Abraham in the amount of \$5,401.47 overpayment of 2006 taxes. (PID #R460-999-0270-2400).
- L. McDonald's Corporation in the amount of \$11,219.09 overpayment of 2006 taxes. (PID #S831-999-0030-0260).
- M. Wells Fargo R.E. Tax in the amount of \$2,734.98 overpayment of 2006 taxes. (PID #S917-999-002H-2850).
- N. Mortgage Services in the amount of \$3,576.33 overpayment of 2006 taxes. (PID #T203-999-0010-5000).
- O. David Jay & Sandy L. Jay in the amount of \$9,893.54 overpayment of 2006 taxes. (PID #T230-999-0060-2000).
- P. Countywide Tax Services Corp. in the amount of \$4,406.88 overpayment of 2006 taxes. (PID #V897-999-0900-0500).
- Q. Lone Star Title Co. in the amount of \$2,569.30 overpayment of 2006 taxes. (PID #V927-999-0130-3000).
- R. Casas Privadas in the amount of \$2,589.31 overpayment of 2006 taxes. (PID #W813-999-0040-8900).
- S. Clk New-Star RE, LP in the amount of \$2,797.25 overpayment of 2006 taxes. (PID #X581-999-2020-0228).
- T. Southwest Escrow, Inc. in the amount of \$4,323.75 overpayment of 2006 taxes. (PID #X607-000-0180-0755).
- U. Lawyers Title in the amount of \$3,379.33 overpayment of 2006 taxes. (PID #Y805-999-036B-2412).

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**8. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-080 (Breath Alcohol Testing Program Facility) to CPME, L.L.C. for a total estimated amount of \$303,488.85.

Department:	Police
Award to:	CPME, L.L.C. El Paso, Texas
Base Bid	\$303,488.85 (estimated)
Account No.	21150060-P500232-16411-508027
Funding Source:	EPPD Confiscated Funds
District:	4

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

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

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

This is a best value, unit-price contract.

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

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**9. BID**

\*Motion made, seconded, and unanimously carried to **APPROVE** Bid Solicitation No. 2007-100 (Thermoplastic Transport Trailer with Premelter and Handliner) to Advanced Striping Equipment, Inc. for a total estimated award of \$47,117.00.

Department:	Street
Award to:	Advanced Striping Equipment, Inc. Douglasville, GA
Items:	1 and 2
Option:	Vendor offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract.
Account No.:	508027 – 27263 – 99331117 - PCP06ST019
Funding Source:	Construction (CWIP), Lane Markings CP06, FY 2006 GO'S
Total Estimated Award:	\$47,117.00

This is a fixed-price, single (one-time) purchase.

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

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**10A. – 10G.**

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

- A. An Ordinance closing hearing, finding the proposed improvements are advisable, and levying assessments for the cost of certain improvements to be provided in the El Paso Public Improvement District No. 1 (Thunder Canyon); fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.
- B. An Ordinance granting a Special Privilege to Shadow Lounge, 1914 Lounge, and Vanilla Bar to temporarily close a portion of Western Court between Durango Street and Anthony Street for various street events on the following dates: April 20, 2007; May 5, 2007; May 12, 2007; September 16, 2007; October 6, 2007; November 21, 2007; December 15, 2007, and December 31, 2007. (Fee: \$400.00, SPL07-00002).

- C. An Ordinance authorizing the City Manager to sign a Lease Agreement on behalf of the City of El Paso with Chico's Tacos, Inc. to allow the use of a portion of the northwest corner of Washington Park and a 367-square-foot portion adjacent to the alley between Pera Street and Washington Park for parking and for vehicular and pedestrian traffic.

**PUBLIC HEARING WILL BE HELD ON APRIL 17, 2007, FOR ITEMS 10A – 10C**

- D. An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Radford Street and North of Nashville Avenue. Applicant: Victoria & Rosalie Hamrah. ZON06-00063 THIS IS AN APPEAL CASE.
- E. An Ordinance changing the zoning of Tract 7A, Section 29, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street, South of Ashley Road. Applicant: Newman Ranch Partners, LP. ZON07-00002
- F. An Ordinance granting special permit No. ZON06-00128 to allow for a planned residential development on a portion of Tracts 2R1, 2R3, and 2A10B, Block 6, Ascarate Grant, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00128
- G. An Ordinance granting Special Permit No. ZON07-00001 to satisfy parking requirements for Parcel 1, described as Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2224 Yandell Drive); by allowing off-site off-street parking on Parcel 2, described as a portion of Lots 9 and 11 and all of Lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas, (2219 Yandell Drive); Parcel 3, described as the south portions of Lots 21-24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2216 Yandell Drive), and Parcel 4, described as Lots 26-32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas, (2212 Yandell Drive), pursuant to Section 20.42.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2224 Yandell Drive. Applicant: Socorro Moreno. ZON07-00001

**PUBLIC HEARING WILL BE HELD ON APRIL 24, 2007, FOR ITEMS D – G**

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**11. PUBLIC HEARING – DEVELOPMENT SERVICES**

Public Hearing on the Proposed Improvements and Proposed Assessment Roll for the El Paso Public Improvement District No. 1 (Thunder Canyon).

Mr. Chuck Kooshian, Lead Planner (Development Services), presented a PowerPoint presentation (on file in the City Clerk's office).

Motion made by Representative O'Rourke, seconded by Representative Lozano, and carried to **CONTINUE THE PUBLIC HEARING** on April 17, 2007.

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

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**12.**

**ORDINANCE 16597**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040, SCHEDULE IV (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH H (NO PARKING 7:00 A.M. TO 5:00 P.M.) OF THE EL PASO CITY CODE TO DELETE SUBPARAGRAPH 2 OF PARAGRAPH H. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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

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

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

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**13. PUBLIC HEARING – MAYOR AND COUNCIL**

An Ordinance limiting the use of the Power of Eminent Domain on non-blighted private property in the redevelopment districts of the Downtown 2015 Plan. **POSTPONED FROM 03-27-07**

Representatives Byrd, Castro, Holguin, Lozano, and Steve Ortega commented.

\*Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **POSTPONE** the item until June 5, 2007.

AYES: Representatives Byrd, Lozano, Presi Ortega, Jr., and Steve Ortega  
NAYS: Representatives Castro and Holguin  
ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)  
ABSENT: Representative Lilly

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**14A. MAYOR AND COUNCIL**

Discussion and action regarding the request for installation of speed humps on Clark Street.

Mayor Cook and Representatives Lozano, O'Rourke, Holguin, and Steve Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Ted Marquez, Engineering Division Manager
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Ms. Keta Fierro, member of St. Pius X Church
- 2. Mr. Carlos Gomez, Principal of St. Pius X School
- 3. Ms. Lilia Trevino Ramirez
- 4. Ms. Marta Beatriz Archuleta
- 5. Ms. Ana Espinosa

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

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

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

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:30 a.m.

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

Motion made by Representative Holguin, seconded by Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 11:36 a.m. and **RECONVENE** the meeting of the City Council,

NOT PRESENT: Representative Presi Ortega, Jr.

**4<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the item contingent on the re-designation of Clark Street or the change of the speed hump policy.

**14B. MAYOR AND COUNCIL**

Discussion and action to instruct the City Manager to immediately, in an effort to preserve the health, safety, and welfare of residents of Northeast El Paso and others who may utilize city roadways in Northeast El Paso, take whatever remedial steps are required to return the traffic flows on Rushing Street to the normal operational capacity consistent with their original design. Recent changes to this street have placed the public at risk by altering the traffic flows in a manner that is inconsistent with the vehicular traffic demands and such changes must be removed in a timely, safe, and efficient manner.

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

Mr. Ted Marquez, Engineering Division Manager, and Mr. Daryl Cole, Streets Department Director, commented.

Motion made by Representative Castro, seconded by Representative Byrd, and unanimously carried to **POSTPONE** the item until July 10, 2007.

**15. FINANCIAL SERVICES**

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to exercise the City’s option to extend Contract 2005-129 (Ground Maintenance for the City of El Paso Parks – Mowing) which was awarded on April 12, 2005, to the vendors listed below, for two additional years from May 1, 2008, through April 30, 2010.

Department:	Parks and Recreation
Award to:	Martinez Irrigation and Landscapes, Inc. - \$286,629.00 (Annual) Ledesma’s - \$95,739.15 (Annual) EPDS – \$34,678.20 (Annual)
Account No.:	51010262 – 01101 - 502221
Funding Source:	Land Management General Fund, Groundskeeping and Horticultural Contracts
Annual Total:	\$417,046.35
Total Estimated Award:	\$834,092.70

Representative Steve Ortega commented.

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**16A. CITY MANAGER**

City Manager’s report of current events and issues:

Discussion and action on issues related to Storm 2006.

Mr. Alan Shubert, Interim City Engineer, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Lozano, Steve Ortega, and O’Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

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

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ITEMS TAKEN TOGETHER:

**16C. CITY MANAGER**

Overview and discussion of the *Downtown 2015 Plan* and the public sector near-term implementation strategies.

**16D. CITY MANAGER**

Discussion and action on a Resolution authorizing the City Manager to sign an Agreement between the City of El Paso and Marcus Jahns providing for the development of an Implementation Strategy that supports recommendations of the *Downtown 2015 Plan* and the Recommended Project and Financing Plan of the Tax Increment Reinvestment Zone for the area in an amount not to exceed one hundred seventy-five thousand and 00/100 dollars (\$175,000.00) to offset the costs of the development of the Implementation Strategy and that the City Manager be authorized to sign any related documents which might be necessary to accomplish such purpose. Funding Source: 99010273-504405.

Ms. Kathryn Dodson, Director of Economic Development, and Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure Services, presented PowerPoint presentations (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Castro, Holguin, and Presi Ortega commented.

Mr. Marcus Jahns commented.

Mr. Richard Schechter and Mr. Ram Guzman, citizens, commented.

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

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

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

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

Motion made by Representative Holguin, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Schechter an additional two minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and O'Rourke

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

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

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega and O'Rourke

**NO ACTION**, other than the three procedural Motions, was taken on the item.

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**ADDITION TO THE AGENDA**

**1. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Belinda M. Luna to the City Plan Commission by Representative Jose Alexandro Lozano.

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Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 2:11 p.m.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and O'Rourke

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk