

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
April 5, 2011
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Carl Robinson, Rachel Quintana, Eddie Holguin, Jr., and Steve Ortega. Late arrival: Beto O'Rourke at 9:06 a.m. and Ann Morgan Lilly at 9:08 a.m. Absent: Emma Acosta, requested to be excused from the meeting. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **AUTO BURGLARY AND THEFT PREVENTION AUTHORITY WEEK**
2. **NATIONAL COMMUNITY COLLEGE MONTH**
3. **FAIR HOUSING MONTH**
4. **OCCUPATIONAL THERAPY 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 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. David Welsh
2. Mr. Jerry Thiedt

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CONSENT AGENDA

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

ABSENT: Representative Acosta

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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 29, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Mayor Pro Tempore Acosta from the Regular City Council meeting of April 5, 2011.

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3A.

***RESOLUTION**

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

That the City Manager be authorized to sign an Assumption Agreement and Modification of Community Development Investor-Owned Financial Terms Contract, Note, and Lien (the "Agreement") by and among the City of El Paso, Mario Gonzalez ("Owner"), and Jose Garcia and Angela A. Garcia ("Assuming Borrowers"), concerning the City's consent to the transfer of the property located at 1115 N. El Paso, El Paso, Texas to Jose Garcia and Angela A. Garcia and assumption of all borrower obligations under the loan documents, including modifications thereto.

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3B.

***RESOLUTION**

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

That the City Council approves the expenditure of additional available funding in the amount of \$173,985.39 to Medlock Commercial Contractors, Inc. for additional construction costs for Traffic Signal Upgrades 9 Locations. The change order provides for furnishing and installing 7200 lineal feet of two inch conduit – bore and traffic control, adding 75 days of contract time for Contract Number 2010-255. The new contract sum, including this change order, is \$1,736,208.84.

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3C.

***RESOLUTION**

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

That the City Manager be authorized to sign a Second Amendment to the Agreement for Professional Services by and between the City of El Paso and Image Network, Inc., D/B/A/ Dover, Kohl & Partners, a Florida Corporation, for a project known as A New Plan for El Paso – A Rewrite of the City's Comprehensive Plan" to add additional services in the amount of \$200,000 thereby extending the contract amount from \$1,793,120 to \$1,993,120. The additional services include creating a station area plan and Smart Code application for the Northgate Mall site and Mission Valley Transit Terminal, assisting the City in the preparation of an Request for Proposal (RFP) for development of the Northgate Mall site, and reviewing and providing recommendations regarding El Paso City Code Title 21 (Smart Code) as it relates to the Northgate Mall site and Mission Valley Transit Center.

3D.

***RESOLUTION**

SECOND AMENDMENT TO THE RESOLUTION APPOINTING THE ELECTION OFFICIALS AND ELECTION JUDGES FOR THE 2011 GENERAL ELECTION IN THE CITY OF EL PASO.

WHEREAS, the City Council adopted a Resolution on March 15, 2011 to appoint the election officials for the City’s 2011 General Election; and

WHEREAS, it is now necessary to make a second amendment to Exhibit “B”, the list of Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular elections precincts of the City, as the County Elections Administrator recommends one change be made.

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

1. **THAT** the Resolution dated March 15, 2011 for the appointment of election officials be amended by revising Exhibit B, the list of Presiding Judges and Alternate Presiding Judges, respectively, for each of the regular elections precincts of the City, as is attached hereto, and such judges and alternates as set forth therein shall be appointed.

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3E.

***RESOLUTION**

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

THAT the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso, the Texas Commission on Environmental Quality, the El Paso Biowatch Advisory Committee and Headquarters, United States Army Garrison for Fort Bliss, Texas, for the biological surveillance of El Paso and Fort Bliss, Texas.

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3F.

***RESOLUTION**

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

THAT the City Manager be authorized to sign and submit a grant application form and other related documents for the Texas Department of State Health Services’ Interlocal Immunization Program, in the amount of \$1,632,576 for the period of September 1, 2011 through August 31, 2012, to conduct activities through the City of El Paso Department of Public Health to raise vaccine coverage in El Paso. Matching funds are required in the amount of \$262,597, and the match shall be provided by the City on an in-kind basis.

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3G.

***RESOLUTION**

WHEREAS, the City of El Paso owns approximately 1.269 acres of unimproved property located adjacent to Nolan Richardson Park more fully identified in Exhibit “A”, attached hereto and made a part hereof for all purposes; and

WHEREAS, Nolan Richardson Park is approximately 2.5 acres and an expanded park would provide additional outdoor recreation opportunities for the citizens of El Paso; and

WHEREAS, the City staff recommends that the entire 1.269 acres of unimproved land identified in Exhibit "A" be dedicated as parkland and incorporated into Nolan Richardson Park.

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

THAT the City of El Paso confirms the dedication of the approximately 1.269 acres of land identified in Exhibit "A" as parkland and will be incorporated into Nolan Richardson Park.

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4. SPECIAL APPOINTMENT

*Motion made, seconded and carried that **ROBERT ALMONTE II** be appointed by the Mayor with a majority vote of the entire Council as an Assistant City Attorney effective April 5, 2011 at a salary of \$71,501.69 per annum, plus benefits, to be increased to \$77,109.67 on September 1, 2012.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Charles Carlton Hooten to the Animal Welfare Advisory Committee by Representative Eddie Holguin, Jr., District 6.

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6. DISCRETIONARY FUNDS

*Motion made, seconded, and carried to **APPROVE** the expenditure of \$2,850 of District 8 discretionary funds for the purchase and installation of a fence at Mary Webb Park.

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7. APPLICATION FOR TAX REFUNDS

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. National Tax Search, LLC in the amount of \$5,269.68 overpayment of 2010 taxes. (PID #0821-999-3273-0034).
- B. Rio Bravo Title, LLC in the amount of \$8,681.32 overpayment of 2010 taxes. (PID #A462-999-0570-0100).
- C. Perry T. Wolfe, M.D., \$11,689.12 overpayment of 2010 taxes. (PID #C001-999-0010-1500).
- D. MJ Real Properties, inc. in the amount of \$7,900.00 overpayment of 2007 taxes. (PID #C100-999-0000-018C).
- E. Marco A. Pena in the amount of \$2,955.12 overpayment of 2010 taxes. (PID #C231-999-0310-0400).
- F. McDonald's Corp. in the amount of \$20,571.02 overpayment of 2010 taxes. (PID #C955-000-0010-0100).
- G. CitiMortgage in the amount of \$7,657.22 overpayment of 2010 taxes. (PID #D318-999-0010-1300).

- H. Raju Shah in the amount of \$7,492.43 overpayment of 2010 taxes. (PID #F609-999-0110-2800).
- I. Patricia Loya in the amount of \$4,859.55 overpayment of 2010 taxes. (PID #F607-999-0860-1900).
- J. Cynthia Linville in the amount of \$3,350.12 overpayment of 2010 taxes. (PID #L447-999-076B-5000).
- K. Corelogic, c/o Saxon in the amount of \$3,739.66 overpayment of 2010 taxes. (P082-999-0040-0700).
- L. Corelogic, c/o Citimortgage in the amount of \$11,023.00 overpayment of 2010 taxes. (PID #P327-999-0070-0700).
- M. Louis J. Foght, Jr. in the amount of \$2,911.98 overpayment of 2010 taxes. (PID #R749-999-0030-3100).
- N. Corelogic c/o Dovenmuehle Mortgage in the amount of \$4,453.16 overpayment of 2010 taxes. (PID #S137-999-0020-0500).
- O. Corelogic c/o Bok Mortgage in the amount of \$3,245.75 overpayment of 2010 taxes. (PID #T188-999-0050-4100).
- P. Corelogic c/o Owen in the amount of \$4,177.00 overpayment of 2010 taxes. (PID #T287-999-0790-2200).
- Q. Jimmy Ruedas & Sylvia Ruedas in the amount of \$4,346.20 overpayment of 2010 taxes. (PID #T287-999-0790-1300).
- R. Corelogic c/o Rocky Mountain Mortgage in the amount of \$2,849.03 overpayment of 2010 taxes. (PID #T820-999-0130-3600).
- S. Patricia Loya in the amount of \$3,373.71 overpayment of 2010 taxes. (PID #T885-999-0030-0900).
- T. Eduardo Contreras in the amount of \$3,716.58 overpayment of 2010 taxes. (PID #V893-999-2400-0900).
- U. Corelogic c/o Rocky Mountain Mortgage in the amount of \$2,647.61 overpayment of 2010 taxes. (PID #V927-999-0240-4450).
- V. Corelogic c/o Midland Mortgage in the amount of \$2,860.23 overpayment of 2010 taxes. (PID #V927-999-0250-3400).
- W. Edgar A. Iniguez in the amount of \$2,607.10 overpayment of 2010 taxes. (PID #W145-999-0830-4100).

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-088 for Westside Branch Library Expansion to H-Squared Industries, Inc. for an estimated total amount of \$99,000. H-Squared Industries, Inc. has provided the highest ranked proposal (85.00).

Department: Engineering and Construction Management
Award to: H-Squared Industries, Inc.
Base Bid: \$99,000
Total Estimated Completion: \$99,000
Funding Source: Library Restriction Donations

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

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9. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative O'Rourke, 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:

- 9A.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and Arturo Aguilar which will allow the City to convey Lot 19, less the Northerly 4.36 feet thereof, and less the Southerly 0.77 feet thereof, Block 3, Hueco Mountain Village Replat A, an addition to the City of El Paso, El Paso County, Texas, to Arturo Aguilar.
- 9B.** An Ordinance modifying the Rim-University Neighborhood Plan, to amend the design standards to allow certain types of solar panels to be placed on rooftops and that the City's Comprehensive Plan, "The Plan for El Paso," be amended to incorporate the modification.

PUBLIC HEARING WILL BE HELD ON APRIL 12, 2011, FOR ITEMS 9A – 9B

- 9C.** An Ordinance changing the zoning of the following real property known as: Parcel 1: A portion of Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to R-5 (Residential) Parcel 2: A portion out of 318.9530 acre tract of land as recorded in Book 3134, Page 1607, Real Property Records of El Paso County, Texas and also being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9D.** An Ordinance amending Title 21, (SmartCode), Chapter 21.10 (General To All Plans), Chapter 21.30 (New Community Plans), Chapter 21.40 (Infill Community Scale Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions of Terms), and Chapter 21.80 (Tables) of the El

Paso City Code to clarify the code and add standards for new zones. The penalty is as provided for in Chapter 21.60 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 26, 2011, FOR ITEMS 9C – 9D

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10. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2011-169 for the Rojas Medians Landscape, to Prime Irrigation & Landscape, Inc. for a total estimated amount of \$555,116.64.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Acosta

Department:	Engineering and Construction Management
Award To:	Prime Irrigation & Landscape, Inc.
Base Bid 1:	\$338,900.54
Option No. 1:	\$89,842.38
Option No. 2:	\$42,953.20
Option No. 3:	\$83,420.52
Sum Total Base Bid No. 1 and Options	\$555,116.64

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 may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

Representative Ortega commented

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11A. PLANNING AND ECONOMIC DEVELOPMENT

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Quintana to **SUSPEND THE RULES** of Council to allow for Additional Speakers after the sign up period.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Acosta

2ND AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, to **POSTPONE** two weeks the Public hearing on an Ordinance changing the zoning of all of Tract 8, Section 15, Block 81, TSP 2, T & P R.R. surveys, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None
ABSENT: Representative Acosta

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

Mayor Cook and Representatives Robinson and Byrd commented.

The following City Staff members commented.

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

The following members of the public commented:

- 1 Mr. Ray Mancera, Applicant
2. Mr. Steve Roberts, El Maida Shriners

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11B.

ORDINANCE 17524

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017109 WHICH VACATED A PORTION OF BOSTON AVENUE TO ALLOW A ONE YEAR EXTENSION TO COMPLETE IMPROVEMENTS ON THE PEDESTRIAN WALKWAY AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED TIME FOR COMPLETION.**

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

Representatives Lilly, Ortega, and Byrd commented.

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

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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ITEMS 11C. AND 12. TAKEN TOGETHER

11C.

ORDINANCE 17525

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00101, TO ALLOW FOR INFILL DEVELOPMENT AND A 35% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 52, 53, 54, 55, AND 56, BLOCK B, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 PARKING REDUCTION AND 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, Robinson, Quintana, Holguin, Ortega and O'Rourke

NAYS: None

ABSENT: Representative Acosta

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

12.

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR lots 52, 53, 54, 55, and 56, block b, bassetT addition, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Pedro de Jesus Licon Gonzalez, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval, to vary side setback as required under the Special Development District as per Section 20.10.360 (A) (4). The detailed site development plan is subject to the development standards for in the **S-D (Special Development) District** regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes; 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

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, to vary side setback as required under the Special Development District as per Section 20.10.360 (A) (4), on the following described property located in a S-D (Special Development) District: *Lots 52, 53, 54, 55, and 56, Block B, Bassett Addition, City of El Paso, El Paso County, Texas.*

2. 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 "A" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the S-D (Special Development) District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the S-D (Special Development) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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

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

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega and O'Rourke
NAYS: None
ABSENT: Representative Acosta

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13A. MAYOR AND COUNCIL

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **SET** 5:00 p.m. on April 19, 2011 or a later date when it is brought to City Council, to consider an item related to consolidating Fire Station 5 (4240 Alameda) and Fire Station 13 (5415 Trowbridge).

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

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

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13B. MAYOR AND COUNCIL

WHEREAS, Shohn Huckabee and Carlos Quijas are both El Paso residents and United States citizens;

WHEREAS, Shohn Huckabee and Carlos Quijas were pulled over by the Mexican military on December 18, 2009 for looking suspicious and then detained for allegedly transporting two suitcases of marijuana;

WHEREAS, Shohn Huckabee and Carlos Quijas allege that they were beaten and tortured by the Mexican military while being interrogated;

WHEREAS, Shohn Huckabee and Carlos Quijas further allege that the marijuana was placed in their truck by the Mexican military and had three witnesses who supported that allegation;

WHEREAS, one witnesses has since been killed and the two other witnesses have gone into hiding;

WHEREAS, the Mexican justice system presumes that all suspects are guilty and the burden is on the suspects to prove innocence, rather than on the State to prove guilt;

WHEREAS, under this system Shohn Huckabee and Carlos Quijas have been convicted and fear that their attempts to appeal the case will not be fair and just;

WHEREAS, over 5,000 complaints have been filed against the Mexican military with Mexico's National Human Rights Commission since 2006 and include allegations of robbery, rape, torture and killing;

WHEREAS, Kerrie Howard, the Deputy Director of Amnesty International's Americas Program has said, "There is a disturbing pattern of crimes committed by the military in their security operations, abuse that is being denied and ignored by both the civilian and the military authorities in Mexico";

WHEREAS, the United States, by supporting the Mexican military through billions of dollars in aid through the Merida Initiative, has said that they make the protection of human rights a condition of 15% of that financial support;

WHEREAS, the families of Shohn Huckabee and Carlos Quijas have worked tirelessly to get the attention and oversight of the U.S. Consulate, the Mexican Consulate and their federal representatives to ensure that Shohn and Carlos and others like them are treated humanely and fairly; and

WHEREAS, those attempts have not yet led to a vigorous review of the facts and the conditions of their incarceration.

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

THAT the Mayor and City Council request a vigorous review by the U.S. State Department of the facts and conditions of the incarceration of Shohn Huckabee and Carlos Quijas to ensure that they are treated fairly through the judicial process; and

THAT the Mayor and City Council request that further funding of the Merida Initiative be withheld until such time as the United States can ensure that the Mexican military is held to task for any violations of human rights.

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

Mr. Kevin Huckabee, Citizen, commented.

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

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

NAYES: None
ABSENT: Representative Acosta

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13C. MAYOR AND COUNCIL

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to work with the City Attorney's Office to draft an Ordinance that addresses all 6 issues Representative O'Rourke raised and bring the Ordinance back to City Council in two weeks regarding mobile food vending opportunities in El Paso.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Acosta

Mayor Cook and Representative O'Rourke, Ortega, Lilly, Byrd, 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 Mr. Mike Hill, Director of Public Health

Mr. Ian Atkins, The Drifter Restaurant, Owner, commented

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13D. MAYOR AND COUNCIL

Discussion and action to limit south-bound truck traffic on the Bridge of the Americas.

Ms. Jane Shang, Deputy City Manager for Mobility Services, presented a PowerPoint presentation (copy on file in City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Guillermo Glenn
2. Mr. Luis Velazquez
3. Mr. Raul Sustaita

NO ACTION was taken on this item.

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13E. MAYOR AND COUNCIL

Discussion and action on the following:

For Notation as Per City Charter

Districting Commission. On or before September 1 next following the publication of the results of each decennial United States census, each Representative shall nominate one qualified voter from his or her

district and the Mayor shall nominate one qualified voter from the City at large. Upon approval by the Council, these nominees shall comprise the Districting Commission.

The Commission shall elect its own presiding officer. The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts. Upon receiving the Commission’s recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts. In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts. All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas.

Mayor Cook and Representative Quintana commented.

Ms. Joyce Wilson, City Manager, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

NO ACTION was taken on this item.

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ITEMS 13F. AND 13G. WERE TAKEN TOGETHER

1st MOTION

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:56 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega and O’Rourke
NAYS: None
ABSENT: Representative Acosta

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 1:07 p.m. and **RECONVENE** the meeting of the City Council.

AYES: Representatives Lilly, Robinson, Quintana, Holguin, Ortega and O’Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd

ABSENT: Representative Acosta

13F. MAYOR AND COUNCIL

Discussion and action on a Report from El Paso Electric Company on the changes to the Solar Rooftop Program from what was agreed on in the Rate Case and plans by El Paso Electric to fix the program to make it more closely resemble the economics of what was presented during the rate case.

Mr. Marty Howell, Sustainability Manager, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Lilly and Ortega commented.

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

The following members of the public commented:

- 1. Ms. Lucia Sandoval Gadney
- 2. Mr. Robert Moss
- 3. Mr. Harry Schulte, President of El Paso Solar Energy
- 4. Mr. John Vandeven

NO ACTION was taken on this item.

13G. MAYOR AND COUNCIL

Discussion and action regarding updates to the City of El Paso State Legislative Agenda and matters involving public utilities.

Mayor Cook and Representatives Byrd and Robinson commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

NO ACTION was taken on this item.

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14. CITY MANAGER

Presentation on 2010 Paperless Annual Report and Update on City Website Design.

Ms. Julie Lozano, Public Information Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. John Camacho, consultant, presented a PowerPoint presentation and video (copy on file in City Clerk's office).

Mayor Cook and Representatives Holguin and Ortega commented.

Mr. Joyce Wilson, City Manager commented.

NO ACTION was taken on this item.

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Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:23 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk