

**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  
APRIL 14, 2009  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. and Steve Ortega at 8:38 a.m. during Executive Session deliberations. The invocation was given by United States Border Patrol Chaplain Bill Jackson, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **NATIONAL MEDICAL LABORATORY PROFESSIONALS WEEK**
2. **COMMUNITY DEVELOPMENT WEEK**
3. **GLOBAL YOUTH SERVICE DAY IN EL PASO**

**RECOGNITION**

**INTERNATIONAL MILITARY OFFICERS**

**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. Ms. Lisa Turner
2. Mr. Jerry Thiedt
3. Mr. Steven Strumer
4. Mr. Bob Norris

**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 Ms. Turner an additional minute to address the Council.

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

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

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

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

NOT PRESENT FOR THE VOTE: Representative Lilly, Acosta, and Ortega

Mayor Cook and Representatives Lilly, Castro, and Holguin commented.

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

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Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, 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.

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**EX1.** Petition of El Paso Electric Company to Terminate Interim Fuel Surcharge Tariff authorized in Docket No. 35856 before the Public Utility Commission of Texas, Docket No. 36864. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to grant the authority to the City Attorney to **FILE A MOTION IN INTERVENTION** on behalf of the City in support of the petition of El Paso Electric Company to terminate interim fuel surcharge before the Public Utility Commission of Texas, Docket No. 35856.

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative 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 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 April 7, 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**

That the City Manager be authorized to sign a First Amendment to Professional Services Contract Solicitation No. 2008-010R by and between the City of El Paso and Science Applications International Corporation (SAIC), to amend the Contract to provide for additional services related to public outreach activities, to increase the contract award by \$35,853.75 for payment of said additional services resulting in a total contract award amount of \$882,399.32, and to extend the overall period of performance and receipt of project deliverables, as specified in the contract amendment.

Representatives Quintana and Castro commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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**3B.**

**\*RESOLUTION**

**WHEREAS**, Loy Mar Properties, LLC, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit construction and development of medical and professional offices; and

**WHEREAS**, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS**, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS**, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code.

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

- 1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan to permit the construction and development of medical and professional offices on the following described property which is located in a A-O/sc (Apartment/Office/special contract) and A-2/sc (Apartment/special contract) District:

A portion of Lot 1, Block 1, Punto Alegre and a portion of Lot 1, Block 1, Mesa Hills West, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference.

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 "B" 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 AO/sc (Apartment/Office/special contract) and A-2/sc (Apartment/special contract) 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 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.

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**3C.**

**RESOLUTION**

That the City approves the expenditure of additional available funding in the amount of \$155,480 to Arrow Building Corporation for additional construction costs of the Downtown Transit Terminal. This approval ratifies the completed additional labor and materials for removing previously unknown concrete footings, walls, slabs and tunnels, provide additional backfill material and over excavate building pad area for the Downtown Transit Terminal, adding no days of contract time [change order number 1] for Contract Number 2009-057. The new contract sum, including change order 1, is \$3,858,480.

Representatives Quintana and Castro commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Johanes Makahaube, Engineering Division Manager
- 3. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

Ms. Lisa Turner, citizen, commented.

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

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

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

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Castro

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3D.

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Rafael Soto, individually and as independent executor of the estate of Hortensia O. Soto, a/k/a Hortencia O. Soto deceased, for the purchase of the following property for the Health Administration Building Improvements, Phase III Project, for \$53,000:

Lots 11 and 12, Block 1, Hadlock's Suburban Garden, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 12, Page 20, Plat Records of El Paso County, Texas, commonly known as 211 Colfax Street, El Paso, El Paso County, Texas.

Representative Acosta commented.

Mr. Robert Ramirez, Consumer Affairs Administrator, commented.

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**3E. RESOLUTION**

\*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign and accept from Joel L. Guzman and Manuela Guzman the following easements which are needed for the Bowen Drive Subsurface Storm Drainage System and Retention Pond Project: a) a Drainage Easement for a 0.0310 acre parcel of land, more or less, out of a portion of Tract 18-E, Block 29, Ysleta Grant, City of El Paso, El Paso County Texas; and; b) a Temporary Construction Easement within a portion of Tract 18-E, Block 29, Ysleta Grant, El Paso, El Paso County, Texas.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

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**3F.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the design of bus rapid transit service for U.S. 62/180 (Montana Street).

Representatives Quintana and Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

Ms. Lisa Turner, citizen, commented.

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**3G.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of

Transportation. The scope of work for the Agreement is the design and construction of bus rapid transit service for Mesa Street.

Representatives Quintana and Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

Ms. Lisa Turner, citizen, commented.

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**3H.**

**\*RESOLUTION**

That the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and the Housing Authority of City of El Paso, Texas whereby the Housing Authority may purchase fuel under Contract No. 2008-065 (Vehicle Fueling Offsite) previously awarded by the City of El Paso to C&R Distributing, Inc.

Mayor Cook and Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Stuart Ed, General Services Director

Ms. Lisa Turner, citizen, commented.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Cora Viescas to the Civil Service Commission by Mayor John F. Cook.

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**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gary L. Williams to the History Museum Board by Representative Beto O'Rourke, District 8.

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** R. Brooks Vandivort to the City Plan Commission by Representative Eddie Holguin, District 6.

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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Marcia Turner to the Civil Service Commission by Representative Ann Morgan Lilly, District 1.

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**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Richard D. Schwein to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1.

**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the appointment of Belinda Luna to the Airport Board by Representative Emma Acosta, District 3.

**5E. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** David A. Berchelmann III to the History Museum Advisory Board by Representative Rachel Quintana, District 5.

**5F. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** David Karlsruher to the Complete Count Committee by Representative Ann Morgan Lilly, District 1.

**5G. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Jon Law to the Complete Count Committee by Representative Steve Ortega, District 7.

**5H. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ricardo Aguilar to the Zoning Board of Adjustment by Representative Rachel Quintana, District 5.

**6A. NOTICE OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Susie Byrd on March 4, 2009, in the amount of \$500 from Linebarger Goggan Blair and Sampson, LLP; on March 27, 2009, in the amount of \$500 from Paul Foster; on March 31, 2009, in the amount of \$500 from Noel R. Rosenbaum; and on April 2, 2009, in the amount of \$500 from Raymond J. Snare.

**6B. NOTICE OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on March 30, 2009, in the amount of \$1,000 from the Texas Association of Realtors; on March 31, 2009, in the amount of \$500 from J. Robert Brown; and on April 8, 2009, in the amount of \$500 from the Electric Political Involvement Committee (EPIC).

**7A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** a change order to increase contract by \$232,342.50 referencing Contract 2007-073R (City-Wide Energy and Operational Savings Program) with Johnson Controls, Inc. and the Purchasing Manager for Financial Services, Purchasing Division, be **AUTHORIZED** to issue a purchase order to upgrade crosswalk fixtures with countdown LED PED technology. This purchase order is pursuant to the provisions of an award approved by City Council on July 15, 2008.

Representatives Quintana and Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Director of Streets, commented.

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**7B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders to Checkpoint Services Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-890, in an amount not to exceed \$100,000 for Dell Computer and Equipment products for various City Departments as the need arises. Participation by the City of El Paso in the DIR Program was approved by City Council on March 6, 2007.

Department: Purchasing  
Item: All  
Account No.: Various  
Funding Source: Various  
Total Estimated Award: \$100,000  
Reference No.: 2009-195

Representative Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Gerald Gordier, Chief Information Officer and Information Technology Director, commented.

Ms. Lisa Turner, citizen, commented.

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**8A. – 8B. INTRODUCTIONS**

Motion made by Representative Acosta, 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:

- 8A.** An Ordinance changing the zoning of Tracts 1D-2C, 1D-2A1, Block 35, Ysleta Grant, 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.
- 8B.** An Ordinance changing the zoning of Lots 9 and 10, Block 63, East El Paso Addition, 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.

**PUBLIC HEARING WILL BE HELD ON MAY 5, 2009, FOR ITEMS 8A – 8B**

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**9A. FINANCIAL SERVICES**

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

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

NOT PRESENT FOR THE VOTE: Representative Castro

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

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2009-123 (Upper Valley Drainage Improvements Phase IB) to Bain Enterprises, LLC d/b/a Bain Construction for a total estimated amount of \$1,417,632.63.

Department:	Engineering
Award to:	Bain Enterprises, LLC d/b/a Bain Construction Horizon City, TX
Base Bid I:	\$ 727,096.15
Base Bid II:	\$ 317,536.48
Option 1:	\$ 373,000.00
Total Estimated Award:	\$1,417,632.63
Account No.:	14200500 – 508027 – 27264 – PSTM06 PW26-0B
Funding Source:	Storm 2006

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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsible bidder.

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

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

NOT PRESENT FOR THE VOTE: Representative Ortega

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

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **REJECT** all bids and to re-bid for Solicitation No. 2009-123 (Upper Valley Drainage Improvements Phase IB)

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

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

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

Mr. Mick Jennings, citizen, commented, and Mr. Edward Saab, citizen, presented a PowerPoint presentation.

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**9B. FINANCIAL SERVICES**

Motion made by Representative O’Rourke, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Venegas Engineering Management and Construction, Inc. who submitted the highest ranked proposal for the Westside Transit Terminal project, as per recommendations from the Engineering Department and Sun Metro. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Department: Sun Metro  
Account No.: 60600011 – 508027 – 11654 – G600354 and TX 90-X-573  
Funding Source: Federal Transit Administration (FTA) Grant and 2009 Certificates of Obligation  
Proposal No.: 2009-079

Mr. Johanes Makahaube, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk’s office).

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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**9C. FINANCIAL SERVICES**

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AWARD** Proposal No. 2009-100 (Cielo Vista Branch Library) to Byers Construction, Inc. for a total estimated amount of \$2,040,000.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Department: Library  
Award to: Byers Construction, Inc.  
El Paso, TX  
Base Bid: \$2,040,000  
Total Est. Award: \$2,040,000  
Account No.: 99331117 – 508027 – 27263 – PCP08LI01  
31250204 – 508027 – 27503 – PCP08LI01  
Funding Source: 2006 Certificates of Obligation & Land Sale

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 Departments of Financial Services - Purchasing Division, Engineering, and Library recommend award to Byers Construction, Inc. who submitted the highest ranked proposal.

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Acosta and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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**10A.**

**ORDINANCE 17106**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009A" AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

Representative Byrd commented.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Ms. Lisa Turner, citizen, commented.

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

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

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 17107**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY,**

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
- 3. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

Motion duly made by Representative Lilly, 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, Quintana, Ortega, and O’Rourke  
 NAYS: Representative Holguin  
 ABSTAIN: Representative Castro

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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**11A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance changing the zoning of Lots 15 through 26 and east 15.48 feet of Lot 14, Block 4, Hughes Subdivision of Block 2 of Alameda Acres, City Of El Paso, El Paso County, Texas, from R-5 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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The City Council Meeting **RECESSED** at 12:02 p.m. and **RECONVENED** at 1:05 p.m.  
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**11B.**

**ORDINANCE 17108**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A DRAINAGE EASEMENT VARYING IN WIDTH FROM 45.41 FEET TO 48.71 FEET, LOCATED WITHIN A PORTION OF LOT 1, BLOCK 1, ACACIA COMMERCIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation.

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

AYES: Representatives Lilly, Byrd, Castro, Quintana, Holguin, Ortega, and O’Rourke  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: 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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**11C.**

**ORDINANCE 17109**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF BOSTON AVENUE, LOCATED BETWEEN MESA STREET AND OREGON STREET, IN THE ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

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

Representatives Lilly and Byrd commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: 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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**11D.**

**ORDINANCE 17110**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO ASCENSION LUTHERAN CHURCH PERMITTING THE ENCROACHMENT OF A SINGLE DIRECTIONAL SIGN ONTO A PORTION OF PUBLIC RIGHT-OF-WAY AT OJO DE AGUA DRIVE.**

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

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

AYES: Representatives Lilly, 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**.

12A.

**RESOLUTION**

**WHEREAS**, the Top 10 Percent Admissions Plan allows students access to Texas universities improving race/ethnicity and economic status admissions across the entire state of Texas;

**WHEREAS**, the Top 10 Percent Admissions Plan encourages enrollment at top-tier institutions in the state, including the flagship of the University of Texas system, the University of Texas – Austin (“UT Austin”);

**WHEREAS**, research has shown across SAT/ACT scores, Top 10 Percent students have better college GPAS, which suggest high school GPA or rank is a better predictor of college success than standardized tests;

**WHEREAS**, UT-Austin reports that due to increased enrollment at Top 10 Percent students, the university was able to lower the number of offered remedial courses and increase its honors courses; and

**WHEREAS**, research shows that since the Top 10 Percent Plan was implemented, enrollment at UT-Austin and Texas A & M has become more diverse across race/ethnicity and across regions, particularly increasing student representation from both rural and urban high schools in Texas that rarely sent students to these universities;

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

**THAT** that the City Council of the City of El Paso, Texas, supports the Top 10 Percent Admissions Plan and encourages the Texas Legislature to continue the plan as it currently is implemented.

Representatives Byrd and Ortega commented.

Ms. Liz Montelongo, Ysleta Independent School District Board of Trustee, District 5, commented.

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

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**12B. MAYOR AND COUNCIL:**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **HOST** Scenic Sundays as an official city sponsored event, which is aimed at encouraging more physical activity among residents and promoting El Paso’s Scenic Drive as a unique location for families to enjoy our city’s views and weather.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Eric Shelton
- 3. Ms. Judy Weiss, Assistant Director of Parks and Recreation
- 4. Ms. Shamori Whitt, Open Space, Trails, and Parks Coordinator

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Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:46.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk