

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 20, 2010  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:01 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, Carl Robinson, Rachel Quintana and Eddie Holguin, Jr. Late arrivals: Steve Ortega and Beto O'Rourke at 9:03 a.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.

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**MAYOR'S PROCLAMATIONS**

1. ROTARY INTERNATIONAL GROUP STUDY EXCHANGE PROFESSIONALS DAY
2. NATIONAL REBUILD DAY
3. JUVENILE JUSTICE CENTER COMMUNITY SERVICE DAY
4. DIA DE LOS NIÑOS/DIA DE LOS LIBROS DAY
5. INTERNATIONAL PEACE AND PRAYER DAY FOR CIUDAD JUÁREZ

**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. Esther Perez
2. Mr. Jorge Artalejo
3. Mr. Jerry Thiedt

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **RECESS** the City Council Meeting at 9:30 a.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT: Representative Byrd

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **RECONVENE** the City Council Meeting at 9:33 a.m.  
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**EX1.** Claim of Hernan Guardado, Our File No. 10-C-032 (551.071)

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

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None  
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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 13, 2010 and the Special City Council Meeting of April 13, 2010 (Texas Gas Service's Statement of Intent to Increase Rates filed December 3, 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 an Air Cargo Center Agreement by and between the City of El Paso ("Lessor") and Cargo Force ("Lessee") for space at the Air Cargo Center located at 301 George Perry Blvd, Suite C.  
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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to file an Amendment to Passenger Facility Charge (PFC) Application No. 09-05-C-00-ELP with the Federal Aviation Administration (FAA), authorizing (i) an increase to \$4.50 per eligible enplaned passenger; (ii) submission of all and related documentation contained in the amendment or requested by the FAA; and (iii) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the amendment.  
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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a sub-recipient grant contract between the City and the Non-Profit Enterprise Center in connection with the City's federally-funded HHS-ARRA Strengthening Communities Program (Community Development, Neighborhood Services Division), awarding an amount not to exceed \$105,900.00 to provide training and technical assistance to nonprofit faith-based and community organizations so they may better serve those in need and to increase nonprofit organizations' involvement in the nation's economic recovery.

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**3D.**

**\*RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Agreement for Engineering Services by and between the City of El Paso and Kimley-Horn and Associates, Inc. for a project known as "Runway 8R-26L Extension" in the amount of one hundred ninety five thousand two hundred forty five and 89/100 dollars (\$195,245.89) thereby extending the contract amount from \$844,006.64 to \$1,039,252.53. The additional design services are for a new approach lighting system, additional potholing and survey of the existing petroleum pipelines and the completion of an obstruction survey as required by new FAA Advisory Circulars.

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**3E.**

**\*RESOLUTION**

That the City Manager be authorized to sign an electrical overhead, underground and transformer easement to the El Paso Electric Company for the purpose of providing electrical service to the El Paso High School Baseball Complex, 1203 Schuster, El Paso, Texas, said property being more particularly described as a portion of Alexander Addition, Block 137, Lots 1-20, El Paso, El Paso County, Texas.

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**3F.**

**\*RESOLUTION**

**WHEREAS**, Title 19 (Subdivisions) of the El Paso City Code provides the minimum improvements that are required as part of new subdivision development within the City Limits and the Extraterritorial Jurisdiction Area; and

**WHEREAS**, street lighting is required to be furnished and installed along all public and private streets within these subdivisions to serve each lot with essential public facilities and services; and

**WHEREAS**, the requirement for street lighting installation and spacing has changed over time and subdivisions are subject to the Code provisions in place at the time of development; and

**WHEREAS**, El Paso citizens, after the subdivision development has occurred, will often request street lighting where there is none or where they believe that there is an inadequate number to provide sufficient safety to an area; and

**WHEREAS**, a Resolution of the El Paso City Council was passed on September 30, 1994 that outlines the administrative process followed when such private requests for street lighting are received; and

**WHEREAS**, City staff recommends changes to the administrative process to add clarity to the handling of such private requests for street lighting; and

**WHEREAS**, the Planning and Development Legislative Review Committee has met to review the street lighting process and has recommended favorably on the proposed changes and has requested that an item be presented for City Council finalization;

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

- 1. THAT** all private requests for street light installation shall be made pursuant to the procedures established in this Resolution, and all accompanying Exhibits.
- 2. THAT** the resolution of September 20, 1994 shall otherwise remain in full force and effect.

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

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

Ms. Joyce Wilson, City Manager, commented.

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

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

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

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:05 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

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

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **ADJOURN** the Executive Session at 10:12 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

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

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **DELETE** a Resolution that all private requests for street light installation shall be made pursuant to the procedures established in this Resolution, and all accompanying Exhibits. That the cost of any street light and its installation as approved under this Resolution shall be subject to payment by the applicant(s) of the request. Subject to availability, discretionary funds by the City Representative in whose district the street light is requested may be used or such other appropriate funding to fund all or a portion of the cost of the street light and its installation.

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**3G.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to Consulting Agreement by and between the City of El Paso, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization ("MPO") for the El Paso Urban Transportation Study Area, hereinafter referred to as "CITY", and the International Communities Research Center ("ICRC"), a non-profit research organization, amending the scope of services to be provided by ICRC and increasing the consideration to be paid by the MPO.

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**3H.**

**\*RESOLUTION**

That the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount not to exceed \$112,000.00 for the University of Texas at El Paso to provide a Masters in Public Administration degree as related to the graduate certificate program in Urban and Regional Planning to employees of the City in order to enhance the employees knowledge and skills and the service quality and efficiency of the department staff, and that the City Manager may increase the number of City employee participants and pay additional compensation at the amounts set forth in the Agreement.

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**4. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Maxey Scherr to the Ethics Review Commission by Mayor John F. Cook.

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**5. APPLICATIONS FOR TAX REFUNDS**

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

- A. Can Do Auto Solutions in the amount of \$8,106.91 overpayment of 2009 taxes. (PID #07SS-999-1043-2642).
- B. Border International Trucks in the amount of \$16,225.22 overpayment of 2009 taxes. (PID #2004-999-1041-0050).
- C. El Paso Murchison – Oregon Investors Management, LLC in the amount of \$3,910.82 overpayment of 2009 taxes. (PID #A462-999-2120-3250).
- D. Citimortgage in the amount of \$2,638.03 overpayment of 2009 taxes. (PID #A642-999-0150-5100).
- E. Sierra Title Co., in the amount of \$4,730.01 overpayment of 2008 taxes. (PID #B202-999-0740-6600).
- F. Citimortgage in the amount of \$3,879.00 overpayment of 2009 taxes. (PID #C102-000-0040-0700).
- G. Royce G. Coffee, Jr., in the amount of \$2,836.53 overpayment of 2009 taxes. (PID #C518-999-0560-6100).
- H. GMAC Mortgage Company in the amount of \$4,547.38 overpayment of 2009 taxes. (PID #C736-999-0040-6500).
- I. GMAC Mortgage Company in the amount of \$2,695.15 overpayment of 2009 taxes. (PID #C741-999-0320-6900).
- J. GMAC Mortgage Company in the amount of \$4,126.02 overpayment of 2009 taxes. (PID #C742-999-0060-4100).
- K. First American R/E Tax Service in the amount of \$5,751.57 overpayment of 2009 taxes. (PID #C834-999-0030-1900).
- L. National Tax Search, LLC in the amount of \$3,436.22 overpayment of 2009 taxes. (PID #C884-999-0010-0100).
- M. National Tax Search, LLC in the amount of \$11,174.75 overpayment of 2009 taxes. (PID #C884-999-0010-0200).
- N. Maria & Rafael Mendoza in the amount of \$3,317.99 overpayment of 2009 taxes. (PID #E014-999-1260-3100).
- O. GMAC Mortgage Company in the amount of \$3,813.14 overpayment of 2009 taxes. (PID #E076-000-0060-4800).

- P. LoanCare Loan #5590633 in the amount of \$3,443.36 overpayment of 2009 taxes. (PID #E077-000-0060-0100).
- Q. GMAC Mortgage Company in the amount of \$3,832.27 overpayment of 2009 taxes. (PID #E077-000-0100-6000).
- R. O'Reilly Auto Parts in the amount of \$3,660.62 overpayment of 2009 taxes. (PID #E299-999-0110-0200).
- S. GMAC Mortgage Company in the amount of \$5,168.64 overpayment of 2009 taxes. (PID #E746-000-0010-1100).
- T. GMAC Mortgage Company in the amount of \$4,865.48 overpayment of 2009 taxes. (PID #E746-000-0020-2400).
- U. National Tax Search, LLC in the amount of \$3,424.84 overpayment of 2009 taxes. (PID #E978-999-000B-9000).
- V. National Tax Search, LLC in the amount of \$3,057.16 overpayment of 2009 taxes. (PID #E978-999-000B-9800).
- W. National Tax Search, LLC in the amount of \$3,416.99 overpayment of 2009 taxes. (PID #E978-999-000C-2000).
- X. National Tax Search, LLC in the amount of \$2,574.17 overpayment of 2009 taxes. (PID #E978-999-000E-0100).
- Y. GMAC Mortgage Company in the amount of \$9,887.62 overpayment of 2009 taxes. (PID #F609-999-0270-0200).
- Z. First American Real Estate Tax Service in the amount of \$2,571.62 overpayment of 2009 taxes. (PID #H780-000-0060-1500).
- AA. GMAC Mortgage Company in the amount of \$3,363.99 overpayment of 2009 taxes. (PID #H010-000-0080-0150).
- BB. GMAC Mortgage Company in the amount of \$4,613.06 overpayment of 2009 taxes. (PID #H788-014-0070-0100).
- CC. GMAC Mortgage Company in the amount of \$2,694.17 overpayment of 2009 taxes. (PID #H791-006-0050-0730).
- DD. GMAC Mortgage Company in the amount of \$2,903.23 overpayment of 2009 taxes. (PID #I256-999-0040-3700).
- EE. Commercial Escrow in the amount of \$3,492.15 overpayment of 2009 taxes. (PID #L769-999-0050-7500).
- FF. Blanca E. Vercher in the amount of \$2,695.91 overpayment of 2009 taxes. (PID #M348-999-0010-2050).

- GG. Parradame Family Partnership, LP in the amount of \$4,542.97 overpayment of 2009 taxes. (PID #M473-999-0130-7100).
- HH. Government Employees Credit Union in the amount of \$4,384.91 overpayment of 2009 taxes. (PID #M576-999-0210-9200).
- II. Monica E. Mendoza in the amount of \$4,025.57 overpayment of 2009 taxes. (PID #M806-999-001A-5100).
- JJ. GMAC Mortgage Company in the amount of \$4,607.77 overpayment of 2009 taxes. (PID #N425-999-0180-5300).
- KK. First American R/E Tax Service in the amount of \$3,663.17 overpayment of 2009 taxes. (PID #P082-999-0040-0100).
- LL. First American R/E Tax Service in the amount of \$3,103.06 overpayment of 2009 taxes. (PID #P324-999-0170-4900).
- MM. Escrow, Inc., in the amount of \$6,087.86 overpayment of 2009 taxes. (PID #P586-999-0100-0700).
- NN. Loan Care Servicing Center in the amount of \$2,877.94 overpayment of 2009 taxes. (PID #P605-999-0010-1400).
- OO. John Butler, Jr., and Ouida Butler in the amount of \$3,216.12 overpayment of 2009 taxes. (PID #P863-999-0010-4700).
- PP. Lloyd H. & Nicole L. Robertson in the amount of \$3,414.02 overpayment of 2009 taxes. (PID #P863-999-0260-3400).
- QQ. Roller King in the amount of \$2,689.79 overpayment of 2009 taxes. (PID #P658-999-0020-0100).
- RR. First American R/E Tax Service in the amount of \$3,021.25 overpayment of 2009 taxes. (PID #P863-999-0050-1300).
- SS. GMAC Mortgage Company in the amount of \$4,305.68 overpayment of 2009 taxes. (PID #P863-999-0340-2600).
- TT. First American R/E Tax Service in the amount of \$2,651.84 overpayment of 2009 taxes. (PID #Q550-999-0080-2400).
- UU. Loan Care Servicing Center in the amount of \$7,056.66 overpayment of 2009 taxes. (PID #R460-999-0070-0900).
- VV. GMAC Mortgage Company in the amount of \$6,129.30 overpayment of 2009 taxes. (PID #R460-999-00902-1900).
- WW. Huntington Mortgage in the amount of \$7,515.33 overpayment of 2009 taxes. (PID #R460-999-0500-1500).

- XX. First American R/E Tax Service in the amount of \$3,613.40 overpayment of 2009 taxes. (PID #S137-999-0080-1400).
- YY. GMAC Mortgage Company in the amount of \$4,665.82 overpayment of 2009 taxes. (PID #S137-999-0010-1900).
- ZZ. First American R/E Tax Service in the amount of \$3,082.72 overpayment of 2009 taxes. (PID #S237-999-0300-5100).
- AAA. Citimortgage c/o First American in the amount of \$2,955.99 overpayment of 2009 taxes. (PID #S541-999-0160-2900).
- BBB. GMAC Mortgage Company in the amount of \$4,137.87 overpayment of 2009 taxes. (PID #S812-999-0060-2200).
- CCC. Loan Care Servicing Center in the amount of \$2,899.07 overpayment of 2009 taxes. (PID #S812-999-0210-5400).
- DDD. PHH Mortgage c/o First America in the amount of \$3,317.65 overpayment of 2009 taxes. (PID #S812-999-0340-3400).
- EEE. GMAC Mortgage Company in the amount of \$3,483.01 overpayment of 2009 taxes. (PID #S812-999-0490-2700).
- FFF. Escrow, Inc., in the amount of \$3,414.82 overpayment of 2009 taxes. (PID #T287-999-0670-1000).
- GGG. GMAC Mortgage Company in the amount of \$4,306.32 overpayment of 2009 taxes. (PID #T287-999-0830-1800).
- HHH. Citimortgage c/o First American in the amount of \$3,434.14 overpayment of 2009 taxes. (PID #T287-999-1170-4800).
- III. GMAC Mortgage Company in the amount of \$2,619.19 overpayment of 2009 taxes. (PID #T287-999-1440-0560).
- JJJ. Home Loan Services in the amount of \$3,677.05 overpayment of 2008 taxes. (PID #T287-999-1530-1100).
- KKK. Jessica Rodriguez in the amount of \$2,648.54 overpayment of 2009 taxes. (PID #T287-999-1710-0500).
- LLL. GECU/FBO Alfredo Gallardo in the amount of \$3,274.52 overpayment of 2009 taxes. (PID #V869-000-0010-0300).
- MMM. GMAC Mortgage Company in the amount of \$4,557.58 overpayment of 2009 taxes. (PID #V893-999-173A-4700).
- NNN. First American R/E Tax Service in the amount of \$2,743.08 overpayment of 2009 taxes. (PID #V893-999-2330-1700).

- OOO. First American c/o Flagstar Bank in the amount of \$4,016.30 overpayment of 2009 taxes. (PID #V895-999-0030-0900).
- PPP. Lidia Chavez in the amount of \$3,154.45 overpayment of 2009 taxes. (PID #V897-999-0670-4400).
- QQQ. Loan Care Servicing Center in the amount of \$5,315.36 overpayment of 2009 taxes. (PID #V897-999-1160-0100).
- RRR. Liliana Cisneros in the amount of \$3,136.08 overpayment of 2009 taxes. (PID #V897-999-0700-2900).
- SSS. GMAC Mortgage Company in the amount of \$4,043.17 overpayment of 2009 taxes. (PID #V897-999-0470-0700).

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**6. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-022 (Tennant Proprietary Parts) to Tennant Sales and Service Company for a total estimated award of \$255,000.

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|--------------------------|--|
| Department:              | General Services                                     |
| Award to:                | Tennant Sales and Service Company<br>Minneapolis, MN |
| Item(s):                 | All – Part A   |
| Annual Estimated Amount: | \$85,000   |
| Funding Source:          | Internal Service Fund                                |
| Total Estimated Award:   | \$255,000 (3 Years)                                  |

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the sole responsive, responsible bidder.

General Services and Financial Services Departments recommend that Equipment Southwest, Inc. be deemed a non-responsive bidder because Equipment Southwest, Inc. did not meet specifications by submitting an incomplete price list.

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**7A. – 7B. INTRODUCTIONS**

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

- 7A.** An Ordinance granting Special Permit No. ZON09-00077, to allow for an 88% parking reduction on the property described as Lot 27 and the west 10 ft. of Lot 28, Block 69, Franklin Heights, City of El Paso.

Paso, El Paso County, Texas, pursuant to Section 20.14.070 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

**7B.** An Ordinance granting Special Permit No. ZON10-00023, to permit governmental use and building, on the property described as Lots 11 to 18, Block 47, Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MAY 11, 2010, FOR ITEMS 7A – 7B**

**8A. DEVELOPMENT SERVICES:**

\*Motion made, seconded, and carried to **DELETE** the item regarding Council's direction to staff on April 6, 2010, to clarify the intended effective date of the changes to the requirements of Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), of the El Paso City Code, reducing the percentage of Type A Units from 5% to 3% pending Community Development's Analysis of Impediments to Fair Housing Choice (AI).

**8B. INTRODUCTION**

Motion made by Representative Lilly, seconded by Representative Mayor Pro Tempore Acosta, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED AS REVISED** for public hearing:

An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), Section 18.08.170 (Accessibility for People with Physical Disabilities), Subsection 1107.6.2.1.1 (Type A Units), of the El Paso City Code, by reducing the amount of required Type A Units from five percent to three percent; the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.

Mayor Cook commented.

The following members of the public commented:

1. Ms. Jane Jones
2. Mr. Arne Schonberger
3. Mr. Josue Rodriguez

**PUBLIC HEARING WILL BE HELD ON MAY 4, 2010, FOR ITEM 8B**

**9.**

**ORDINANCE 17309**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 3A, BLOCK 17, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

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

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

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

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

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**10.**

**ORDINANCE 17310**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTY LOCATED AT 634 CASA GRANDE PL. TO AIMEE AND LEONEL SALDIVAR.**

Ms. Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

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

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

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

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**11A. MAYOR AND COUNCIL:**

Presentation by Greater El Paso Chamber of Commerce regarding Chamber programs and services.

Mr. Richard Dayoub, President & CEO, and Ms. Mica Espinoza, Vice President of Government Relations, of the Greater El Paso Chamber of Commerce, presented a PowerPoint presentation (on file in the City Clerk's office).

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

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**11B. MAYOR AND COUNCIL – Legislative Review Committee Report**

1. For notation: Formal report of the Economic and Community Development, Quality of Life and Tourism and Planning and Development Services Joint Legislative Review Committee meeting held on April 1, 2010, as submitted by Representative Steve Ortega, Chair; and,
2. Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Review Committee meeting, as follows:

- A) Presentation and discussion on potential redesign of Mills Plaza and San Jacinto Plaza by Brent Harris with Mills Plaza Properties and Gerdo Aquino with the urban design firm SWA Group.
- B) Discussion and action on accepting a gift of the redesign of San Jacinto Plaza.
- C) Discussion and action on a requested exception to the infill provision of the City's Multi- Family Housing Needs Incentive Program. The program allows incentives for projects consisting of 10 Units or more that meet the technical definition of infill under Section 21.70.010 El Paso City Code. The Department is requesting an exception from the program requirement for the assisted living project to be located at Belvidere and Resler. This property has remained undeveloped (but was platted within the last 30 years and therefore does not meet the technical definition of infill) and otherwise meets the requirements of the City's Multi-Family Housing Needs Incentive Program.

Representatives Ortega, Quintana and Lilly commented.

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

Mr. Ray Gilbert, citizen, commented.

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

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**ITEMS TAKEN TOGETHER**

**12A. AIRPORT:**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** a budget transfer setting up appropriation for the capital project known as Butterfield Trail Industrial Park Pavement Rehab and Landscaping. This is a multi-year project for improvements to the Butterfield Industrial Park that involves landscaping of the medians and street rehabilitation.

|          |             |    |                          |
|----------|-------------|----|--------------------------|
| Increase | \$ 1,000    | to | Legal Notice Contracts   |
| Increase | \$ 1,000    | to | Print Shop Allocations   |
| Increase | \$ 50,000   | to | Design                   |
| Increase | \$ 15,000   | to | City Engineering Charges |
| Increase | \$ 5,000    | to | Testing                  |
| Increase | \$ 5,000    | to | Inspections              |
| Increase | \$ 923,000  | to | Construction             |
| Increase | \$1,000,000 | to | Intrafund Transfers In   |
| Increase | \$1,000,000 | to | Fund Balance Transfer    |
| Increase | \$1,000,000 | to | Intrafund Transfers Out  |

**12B. AIRPORT:**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** a budget transfer to set-up appropriation for the capital project known as Hangar 7 Demolition and Relocation of United States Customs and Border Protection Air and Marine.

|          |          |    |                        |
|----------|----------|----|------------------------|
| Increase | \$ 1,000 | to | Legal Notice Contracts |
| Increase | \$ 1,000 | to | Print Shop Allocations |

|          |             |    |                          |
|----------|-------------|----|--------------------------|
| Increase | \$ 50,000   | to | Design                   |
| Increase | \$ 5,000    | to | City Engineering Charges |
| Increase | \$ 10,000   | to | Testing                  |
| Increase | \$ 10,000   | to | Inspections              |
| Increase | \$3,423,000 | to | Construction             |
| Increase | \$3,500,000 | to | Intrafund Transfers In   |
| Increase | \$3,500,000 | to | Fund Balance Transfer    |
| Increase | \$3,500,000 | to | Intrafund Transfers Out  |

**12C. AIRPORT:**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE AS REVISED** a budget transfer setting up appropriation for the capital project known as Renovations of United States Customs and Border Protection. This project will entail the replacement of portions of the structures in the United States Customs and Border Protection building.

|          |           |    |                        |
|----------|-----------|----|------------------------|
| Increase | \$151,000 | to | Fund Balance Transfer  |
| Increase | \$151,000 | to | Intrafund Transfer Out |
| Increase | \$151,000 | to | Construction           |
| Increase | \$151,000 | to | Intrafund Transfer In  |

**12D. AIRPORT:**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** a budget transfer setting up appropriation for the capital project known as Cargo #2 Roof and Tenant Improvements.

|          |           |    |                        |
|----------|-----------|----|------------------------|
| Increase | \$500,000 | to | Fund Balance Transfer  |
| Increase | \$500,000 | to | Intrafund Transfer Out |
| Increase | \$500,000 | to | Construction           |
| Increase | \$500,000 | to | Intrafund Transfer In  |

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**13. ECONOMIC DEVELOPMENT:**

Motion made by Representative Robinson, seconded by Representative Lilly and unanimously carried to **APPROVE, AS REVISED**, the establishment of a non-profit corporation (Corporation) for the purpose of applying for a New Markets Tax Credit (NMTC) allocation under federal program, approval of the Corporation's certificate of formation and bylaws, appointment of the Corporation's Board of Directors, the City staff and City attorneys to file the Corporation's certificate of formation with the Secretary of State, and the Corporation to apply for certification as a Community Development Entity and for NMTC allocations from the United States Department of the Treasury for qualified projects in designated areas. The ratification of Class II Board members will be made by the City Council.

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

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Paul Braden, Outside Bond Counsel, Fulbright & Jaworski L.L.P., commented.

The following members of the public commented:

- 1. Mr. Richard Schechter
- 2. Mr. Ray Gilbert

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**ITEMS TAKEN TOGETHER**

**14A.**

**RESOLUTION**

That the City Manager be authorized to sign a Lease Agreement by and between 88 Investments, Inc. ("Lessor") and the City of El Paso ("Lessee") regarding the use of the premises upon which the "Star on the Mountain" display is located for the purpose of maintaining, and operating the Star.

**14B.**

**RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Operation and Maintenance Agreement ("Agreement") by and between the City of El Paso and the Greater El Paso Chamber of Commerce Foundation regarding the Star on the Mountain Program dated August 25, 2009, for the purposes of extending the term for an additional year expiring on April 30, 2011, amending the definition of the Reimbursable Expenses to include administrative costs, reflecting changes to the lease with 88 Investments, Inc. for the use of the site, and clarifying the billing procedure.

Mayor Cook and Representatives Holguin and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Richard Dayoub, President & CEO of the Greater El Paso Chamber of Commerce

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **APPROVE AS REVISED** the Resolutions, that the net costs shall not exceed \$40,000 on an annual basis.

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

NAYS: Representative O'Rourke

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**15A. CITY MANAGER**

City Manager's report of current events and issues:

Status update of the Red Light Camera Program, the Left Lane Truck Restriction Ordinance, the Pay Before You Pump Ordinance; and Uninsured Vehicle Impounds.

Interim Assistant Chief Michelle Gardner, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Sergeant Jack Matthews, Project Manager for the Red Light Camera Program, commented

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

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**15B. CITY MANAGER**

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

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE AS REVISED** the Annual Sustainability Plan retaining all air quality initiatives and deleting the following two initiatives under Transportation:

- a) Determine the benchmark for productive vehicle miles per gallon for different vehicles classes and map out plan to achieve world class rates (complete schedule by 2011), and
- b) Decrease the baseline number of vehicles on the road by 20% from 2008 levels by 2015 (accounting for service area growth), and

**And replacing those with two new initiatives:**

- a) Maximize fleet efficiency by adopting a Green Fleet Policy by 2011 and implement the major elements of the policy by 2015, and
- b) Become nationally recognized as an innovative leader in efficient fleet services by 2015.

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

Motion made by Representative Quintana, seconded by Representative Byrd, and carried to **APPROVE** the development of the proposed Property Assessed Clean Energy (PACE) program through the City of El Paso and to authorize the design of a special energy finance area as described in Chapter 376, of the Local Government Code.

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

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

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

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

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Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 12:18 p.m.

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Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **RECONVENE** the City Council Meeting at 6:04 p.m.

NOT PRESENT: Representative Byrd, Quintana, and O'Rourke

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**16. PUBLIC HEARING – FINANCIAL AND ADMINISTRATIVE SERVICES**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **CLOSE** the Public Hearing on the proposals to adopt Ordinances pursuant to Transportation Code Section 222.106, designating areas as Transportation Reinvestment Zone Number Two and Transportation Reinvestment Zone Number Three, City of El Paso, Texas, the designation of the zones, its benefits to the municipality and to the property in the proposed zones.

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

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

The following City staff members commented:

1. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator
2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Raymond Telles, Executive Director of the Camino Real Regional Mobility Authority
2. Mr. Richard Schecter
3. Mr. Myron Dornic, Attorney for EPT Land Communities

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**ADDITION TO THE AGENDA**

**1. MAYOR AND COUNCIL:**

\*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action to do away with all Legislative Review Committees and bring all items directly to Council.

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 6:40 p.m.

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

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk