

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, 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 22, 2008
9:00 A.M.**

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

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AWARD

**THE STAR ON THE MOUNTAIN AWARD TO THE
UTEP WOMEN'S BASKETBALL TEAM**

MAYOR'S PROCLAMATIONS

1. **TOASTMASTERS WEEK**
2. **THE ANNUAL SALE OF BUDDY POPPIES**
3. **NATIONAL REBUILD DAY**
4. **THE VACCINATION WEEK IN EL PASO**

RECOGNITIONS

**RESIDENTS, AGENCIES, AND VOLUNTEERS FOR THE LOWER DYER NEIGHBORHOOD
REVITALIZATION CLEAN UP AND NEIGHBORHOOD PICNIC**

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. Fred Jackson, El Paso Restaurant Association
- 2. Ms. Lisa Turner

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EX1. Claim of Michael Prangner, Our File No. 07-C-224.

*Motion made, seconded, and unanimously carried to **POSTPONE** one week.
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CONSENT AGENDA

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

AYES: Representatives Lilly, Byrd, Ortega, and O'Rourke
NAYS: None
ABSENT: Representatives Castro, Quintana, and Holguin
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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 15, 2008, and the Special City Council Work Sessions of April 15, 2008 (Subdivision Code), April 16, 2008, April 22, 2008, and April 23, 2008 (cancelled Subdivision Code Work Sessions).
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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representatives Melina Castro, Rachel Quintana, and Eddie Holguin, Jr. from the Regular Council Meeting of April 22, 2008.
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3A.

R E S O L U T I O N

That the City Manager be authorized to execute an addendum to the Municipal Maintenance Agreement between the City of El Paso and the State of Texas amending the responsibilities for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of El Paso.

Ms. Patricia Adauto, Deputy City Manager of Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative O'Rourke commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the Resolution.
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3B.

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

That the City Manager be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the City of El Paso and Parkhill, Smith & Cooper, Inc., for a project known as "Paso Del Norte Facility Improvements", to increase the contract amount from \$479,757 to \$509,704 for a net increase not to exceed \$29,947.

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3C.

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

That the City expend additional available funding in the amount of \$81,075 to Blair-Hall Company, Inc. to fund additional labor and materials for Contract Number 2006-186, Westside Sports Complex Project to provide lighting to additional sports fields.

Representative Ortega commented.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

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3D.

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

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and North Cotton Associates, L.L.C., for the purchase of

Lots 3 through 15, Block 29, Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, Texas; and

Lots 21 through 29, Block 29, Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map or plat thereof on file in Volume 13, Page 8, Real Property Records, El Paso County, Texas.

Mayor Cook and Representatives Lilly and Byrd commented.

The following City staff members commented:

- 1. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer
- 2. Ms. Richarda Momsen, Municipal Clerk
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Mr. Gonzalo Cedillo, Capital Assets Manager

Ms. Lisa Turner, citizen, commented.

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3E.

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Transit Safety Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 14345. The Grade is PM 132.

Ms. Linda Thomas, Human Resource Director, commented.

Ms. Lisa Turner, citizen, commented.

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3F.

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

1. That the El Paso City Council approves submission of the grant application for the United States Department of Justice Bulletproof Vest Partnership Program to the United States Department of Justice.

2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of \$106,000 from the El Paso Police Department to the United States Department of Justice, Bulletproof Vest Partnership Program, for the acquisition of 530 bulletproof vests for the El Paso Police Department.

3. The City of El Paso agrees to provide a total cash match in the amount of \$106,000; \$81,262 will be paid from the Confiscated Fund account number 21150060-506000-16371-21000-500231 and \$24,738 will be paid from the General Fund account number 21010050-506000-01101-21000.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Eileen Karlsruher to the Civil Service Commission by Representative Beto O'Rourke, District 8.

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5. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services be authorized to issue a Purchase Order to eCivis, the creator and sole provider of eCivis Grants Research and Grants Tracking and Reporting software. The estimated annual amount of the contract is \$169,500 and consists of various components and the terms of the contract varies per component as follows:

Departments: Financial Services, Police, and Information Services

Component A: eCivis Research
Estimated Amount: \$52,000 (Annual Estimated Amount: \$39,000)
Contract Term: June 1, 2008 – September 30, 2009 (16 months)
Account No.: 39010351 – 502202 – 01101
Funding Source: Operating Account, Computer Related Leases

Component B-1: eCivis Tracking and Reporting (Police Department Only)
Estimated Amount: \$37,500 (Annual Estimated Amount: \$25,000)
Contract Term: April 22, 2008 – September 30, 2009 (17 months)
Account No.: 21150060 –500231 – 508010 – 16371
Funding Source: Police Confiscated Funds

Component B-2: eCivis Tracking and Reporting (Organization-wide)
Annual Estimated Amount: \$80,000
Contract Term: October 1, 2008 – September 30, 2009 (12 months)
Account No.: 39010351 – 502202 – 01101 – 39001
Funding Source: Operating Account, Computer Related Leases

Total Estimated Award: \$169,500
Sole Source No.: 2008-193

In addition, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

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**6A. – 6B.
& 6D. – 6G. INTRODUCTIONS**

Motion made by Mayor Pro Tempore 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:

- A. An Ordinance granting a Special Privilege to Crawford Texas Properties, LTD permitting the encroachment onto a portion of Sunglow Avenue, Cielo Vista Replat of Block 1 and a portion of Blocks 2 and 4, City of El Paso, El Paso County, Texas, to allow parking, signage, landscaping, vehicular, and pedestrian traffic.
- B. An Ordinance amending the El Paso City Code by amending Title 19 (Subdivisions) in its entirety in order to establish Subdivision Regulations to include Platting Procedures, Parkland Dedication, Improvement Standards and Design, and provide for enforcement including criminal and civil penalties for every offense; provide for civil remedies; and provide for the following: Findings of Fact; Repealer; Severability; Effective Date; and Proper Notice and a Hearing. █

Mayor Cook and Representatives Byrd and Lilly commented.

PUBLIC HEARING WILL BE HELD ON APRIL 29, 2008, FOR ITEMS 6A – 6B

- D. An Ordinance granting Special Permit No. ZON08-00002 to allow for a Personal Wireless Telecommunication Facility and equipment shelter on the property described as a portion of Lot 8, Block 8, Butterfield Trail Industrial Park, Unit 2, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- E. An Ordinance changing the zoning of a portion of Tracts 18, 19, 20, 21, 22, 23, 24, and all of Tracts 25, 26, 27, and 28 Palmdale Acres, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- F. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.16 (Zoning Board of Adjustment), of the El Paso City Code, in its entirety, to update and clarify the code; to delete obsolete special exceptions; to add conditions to other special exceptions; and to amend the administrative process.
- G. An Ordinance granting a franchise to American Medical Response to operate a non-emergency ambulance transfer service.

PUBLIC HEARING WILL BE HELD ON MAY 13, 2008, FOR ITEMS 6D – 6G

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6C. INTRODUCTION

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

- C. An Ordinance amending the boundaries of the Downtown 2015 Plan to include property approved by Council for inclusion into the Tax Increment Reinvestment Zone and that the City’s Comprehensive Plan, “The Plan for El Paso 2025”, and the General Land Use Map be amended to incorporate the modification.

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

PUBLIC HEARING WILL BE HELD ON MAY 13, 2008, FOR ITEM 6C

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7A.

ORDINANCE 16874

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO ONIHC, L.L.C. PERMITTING THE ENCROACHMENT OF A SIDEWALK CAFÉ ONTO A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 504 WEST SAN ANTONIO AVENUE.**

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

AYES: Representatives Lilly, Byrd, Ortega, and O’Rourke
NAYS: None
ABSENT: 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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7B.

ORDINANCE 16875

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), SECTION 18.10.310 (APPENDIX G, SWIMMING POOLS, SPAS, AND HOT TUBS), OF THE EL PASO CITY CODE; CHANGING THE MAY 1, 2008, EFFECTIVE DATE TO JULY 1, 2008, AND CHANGING THE EXTENDED PERIOD OF COMPLIANCE FOR EXISTING SWIMMING POOLS IN CERTAIN CIRCUMSTANCES FROM MAY 1, 2009, TO JULY 1, 2009, BY AMENDING SECTION 18.10.310 APPENDIX G 2003, SECTION 18.10.310.1 APPENDIX G 2008, AND SECTION 18.10.310.105 AG 105.5; WITH PENALTIES NOT TO EXCEED \$2,000 PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Representative O’Rourke commented.

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

AYES: Representatives Lilly, Byrd, Ortega, and O'Rourke
NAYS: None
ABSENT: 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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8.

R E S O L U T I O N

WHEREAS the unprecedented growth the County of El Paso is experiencing is expected to accelerate in the foreseeable future. With this growth comes an increased demand to improve services with the expectation that leaders will keep taxes from rising;

WHEREAS these demands will require innovative organization and management of government support services and intergovernmental relations in order to achieve improved services and service delivery, organizational credibility and a more effective use of resources;

WHEREAS continually increasing the tax burden on an already overburdened base is an unsuitable strategy;

WHEREAS the municipalities, school districts, institutions of higher education and other taxing entities within El Paso County seek to provide cost effective and efficient delivery of government services to their citizens;

WHEREAS it is their shared belief that sharing services will be cost effective and efficient;

WHEREAS the City of El Paso actively supports discussing and researching possible new and enhanced shared services between one or more stakeholders; and

WHEREAS the City of El Paso will participate in all meetings of the Shared Services Summit and or its subcommittees for the purpose of reaching a consensus on the best opportunities for shared services among the various stakeholders.

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

That the City of El Paso supports and approves working toward facilitating shared services within the County of El Paso.

Representatives Byrd and O'Rourke commented.

Ms. Veronica Escobar, County Commissioner, and Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Escobar to address the Council after the sign-up period.

2ND AND FINAL MOTION

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

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9. CITY MANAGER

City Manager's report of current events and issues:

Quarterly Financial Report: 2nd Quarter Financial Report for Fiscal Year 2008.

Mr. William Studer, Deputy City Manager for Financial and Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke and Byrd commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on the item.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 10:42 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk