

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 24, 2007  
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: Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 9:07 a.m. and Ann Morgan Lilly at 9:09 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **NATIONAL REBUILD DAY**
2. **NATIONAL MEDICAL LABORATORY PROFESSIONALS WEEK**
3. **NATIONAL INFANT IMMUNIZATION WEEK**
4. **NATIONAL ADMINISTRATIVE PROFESSIONALS DAY**

**RECOGNITIONS**

**EMPLOYEE RECOGNITIONS**

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. **Sergeant Jose Reveles, Jr., El Paso Police Department – 25 years**
2. **Lt. John F. Nutt, Jr., El Paso Fire Department – 25 years**
3. **Ms. Zelma Simmons, Department of City Manager, – 30 years**
4. **Detective Jesus C. Terrones, El Paso Police Department – 30 years**
5. **Mr. Mario V. Garcia, General Services – 30 years**
6. **Mr. Raul Serna, Development Services – 30 years**
7. **Ms. Rosa Ayala, Parks and Recreation – 30 years**
8. **Chief Robert W. Binkley, El Paso Fire Department – 35 years**
9. **Ms. Beatrice Anguiano, El Paso Police Department – 40 years**
10. **Detective Edward Provencio, El Paso Police Department - 30 years  
(presented post-humorously)**

**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. Amanda Arellano, Children’s Coalition for World Peace from Eastwood Knolls School
2. Ms. Kendall Jimenez, Children’s Coalition for World Peace from Eastwood Knolls School
3. Ms. Gabrielle Ramirez, Children’s Coalition for World Peace from Eastwood Knolls School
4. Ms. Mary Mathis, Children’s Coalition for World Peace from Eastwood Knolls School
5. Ms. Dell Blair, Children’s Coalition for World Peace from Eastwood Knolls School
6. Ms. Larissa Adame, Children’s Coalition for World Peace from Eastwood Knolls School
7. Ms. Andrea Ugarte, Children’s Coalition for World Peace from Eastwood Knolls School
8. Ms. Diana Hernandez, Children’s Coalition for World Peace from Eastwood Knolls School
9. Ms. Danielle Hernandez, Children’s Coalition for World Peace from Eastwood Knolls School
10. Ms. Anais Martinez, Children’s Coalition for World Peace from Eastwood Knolls School
11. Mr. Marvin Rosenbaum
12. Ms. Delia Reynold

Mayor Cook commented.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O’Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

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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 17, 2007.

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

**NO ACTION WAS TAKEN** on the item.

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**3A.**

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

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

**WHEREAS**, the El Paso Housing Finance Corporation (the “Issuer”) was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 394, Texas Local Government Code, as amended, for the purpose of providing a means of financing the

costs of residential ownership and development that will provide decent, safe, and sanitary housing for persons of low and moderate income at prices they can afford;

**WHEREAS**, the Issuer has determined to issue its Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program), Series 2007 (the "Bonds") for the purpose of providing additional funding to certain qualified low and moderate income home buyers to afford the costs of acquiring and owning decent, safe, and sanitary housing to finance single family residences located within the City of El Paso, Texas, the purchase price of which does not exceed certain limits;

**WHEREAS**, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on April 11, 2007, at 12:00 noon, pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended;

**WHEREAS**, the City of El Paso approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on April 11, 2007, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and

**WHEREAS**, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the Issuer.

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

1. THAT the Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. THAT the Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to the Issuer to be used in connection with the issuance of its Bonds.

**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 Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representatives Lozano, Presi Ortega, Jr., and Holguin  
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**3B.**

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

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

That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and Genesis Three, LLC dba Boeing INS, LLC ("Lessee") for the following described property:

Portion of Lot 4, Block 2B, El Paso International Airport Tracts, Replat of Unit 4, consisting of 112,341 square feet of land, City of El Paso, El Paso County, Texas, municipally known and numbered as 6451 Boeing Drive, El Paso, Texas.

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3C.

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

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

**WHEREAS**, the City encourages the establishment of new partnerships that encourage and support beautification and improvement projects throughout the City in order to enhance the community’s health and safety and environmental security; and

**WHEREAS**, Rebuilding Together – El Paso, Inc. (formerly known as Christmas in April) (the “Partner”) rehabilitates and revitalizes the residences of El Paso low-income and/or disabled elderly homeowners, which furthers the beautification and improvement of the community,

**WHEREAS**, the Partner is a non-profit organization that relies upon volunteers and donations in order to carry out its mission; and

**WHEREAS**, the Partner on April 28, 2007, will revitalize and rehabilitate seventeen (17) homes owned by low-income and/or disabled elderly residents of El Paso, and has agreed to transport the debris and waste produced by the residential revitalization (the “Event”) to the City’s landfill located at 2300 Darrington Road, Clint, Texas (the “Clint landfill”); and

**WHEREAS**, the Partner agrees to solely include debris and waste generated by the Event and from no other source in the material that the Partner transports in conjunction with the herein referenced Event to the Clint landfill; and

**WHEREAS**, the Partner will ensure that reasonable care is taken to prevent the deposit of hazardous materials, or other materials which are not permitted in the landfill, into the landfill; and

**WHEREAS**, the City’s participation in the Event is limited to accepting up to ten (10) tons of waste and debris collected and transported by the Partner to the Clint landfill and paying the City’s standard landfill fee in exchange for the collection and transportation efforts of the Partner;

**WHEREAS**, the revitalization and rehabilitation of the seventeen (17) residences of the low-income and/or disabled elderly residents and acceptance of the resulting waste and debris from the Event is in the best interest of the citizens of El Paso, and the City’s participation described herein achieves the public purpose of enhanced health and safety and environmental security.

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

**THAT** the City Manager be authorized to approve the City’s limited participation in Rebuilding Together – El Paso, Inc.’s April 28, 2007 revitalization and rehabilitation of seventeen (17) homes owned by low-income and/or disabled elderly residents, which participation shall consist solely of accepting at the Clint landfill and paying the City’s standard landfill fee for up to ten (10) tons of waste and debris from the residential revitalization transported by Rebuilding Together – El Paso, Inc. volunteers to the Clint landfill.

Representative Steve Ortega commented.

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3D.

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

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

**WHEREAS**, the U.S. Environmental Protection Agency (“EPA”) issued an administrative order requiring ASARCO to conduct residential soil removal and property restoration activities within a designated area in and around the West and West-Central areas of the City of El Paso (the “Affected Area”); and

**WHEREAS**, ENTACT Services, LLC (“ENTACT”) has been retained by ASARCO to perform such removal and restoration activities, to the extent that such removal and restoration projects completed by ENTACT is limited by ASARCO’s defined budget available for such activities; and

**WHEREAS**, the EPA’s administrative order for removal and restoration was made in accordance with EPA’s mandate for the protection of the health and safety of El Paso citizens, and therefore such removal and restoration activities serve a public purpose; and

**WHEREAS**, the City of El Paso (the “City”) has determined that funds allocated for such removal and restoration activities should be expended in the most efficient manner in order to result in the completion of the largest number of removal and restoration projects possible; and that any attempts to increase the number of removal and restoration projects completed within the Affected Area would be in the best interest of the City, its affected residents, and the City’s population in general;

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

1. THAT the City of El Paso recognizes the public purpose in providing the assistance set forth herein to ENTACT Services, LLC in order to increase the number of completed residential soil removal and restoration projects within the Affected Area; and
2. THAT the Department of Environmental Services of the City of El Paso be authorized to provide various municipal resources available to assist ENTACT Services, LLC in completing additional soil removal and restoration activities in the Affected Area. Such municipal resources shall be provided at the discretion of the Director of the Department of Environmental Services and limited to the following services:
  - A. The Department of Environmental Services is authorized to accept those materials collected by ENTACT during the execution of the residential soil removal and restoration projects located within the Affected Area (the “Materials”) free of all otherwise applicable charges at the City landfill. Acceptance of the Materials is conditioned upon: (i) a limitation of SEVENTEEN THOUSAND FIVE HUNDRED (17,500) cubic yards to be accepted by the City at the City landfill; (ii) receipt of written authorization from all applicable regulatory agencies for the acceptance of the Materials at the City landfill, including, but not limited to, the Texas Commission on Environmental Quality (“TCEQ”); and (iii) receipt of documentation illustrating ENTACT’s completion of, including the achievement of acceptable results from, any and all required environmental testing.
  - B. The Department of Environmental Services is authorized to provide up to a total of TWENTY THOUSAND (20,000) cubic yards of backfill material to ENTACT for use in the provision of property restoration projects within the Affected Area free of all otherwise applicable charges. ENTACT is prohibited from use of such clean backfill materials in any projects not identified as an affected property by EPA and is responsible for any and all required environmental testing of the backfill material before its use.

- C. The Department of Environmental Services is authorized to provide hauling services to the City landfill for those Materials temporarily placed by ENTACT at a mutually agreed upon ASARCO location. Such hauling services shall be conditioned upon: (i) a limitation of TEN THOUSAND (10,000) cubic yards to be hauled by the City of El Paso; (ii) receipt of ASARCO's written approval to permit such hauling services from the City, including authorization to enter ASARCO property; and (iii) the issuance of written authorization for such staging and hauling activities by all appropriate regulatory agencies, including, but not limited to, EPA and/or TCEQ.

Mayor Cook and Representatives O'Rourke and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

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**3E.**

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

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Landscape Architect is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13121. The Grade is PM 128.

Mayor Cook and Representatives Holguin, Castro, Steve Ortega, and Lozano commented.

Ms. Joyce Wilson, City Manager, Ms. Linda Thomas, Human Resources Director, and Dr. Norman Merrifield, Director of Parks and Recreation, commented.

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**3F.**

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

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Parks Superintendent is hereby created as specified in the duties and responsibilities attached hereto. The Code is 16045. The Grade is PM 132.

Mayor Cook and Representatives Holguin, Castro, Steve Ortega, and Lozano commented.

Ms. Joyce Wilson, City Manager, Ms. Linda Thomas, Human Resources Director, and Dr. Norman Merrifield, Director of Parks and Recreation commented.

3G.

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

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

That the City Manager be authorized to submit a grant application from the City of El Paso Police Department to the United States Department of Justice, Bulletproof Vest Partnership Program, and accept a grant in the amount of \$23,940.00, for the acquisition of 120 bulletproof vests for the Police Department; and the City Manager be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant and authorize budget transfers. A cash match is required in the amount of \$23,940.00, which will be paid from General Fund account number 21010050-506000-01101.

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3H.

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

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

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Domestic Abuse Response Team be operated for the July 1, 2007 – June 30, 2008 year; and

WHEREAS, the El Paso City Council agrees to provide the applicable in-kind match for the said project as required by the Office of the Governor grant application; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate, authorize the transfer of funds of the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Domestic Abuse Response Team project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$90,848.12, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department’s Domestic Abuse Response Team.
3. The City of El Paso agrees to provide an in-kind match in the amount of \$ 54,253.53.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff’s Office; Diocesan Migrant and Refugee Services, Inc.,

Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

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**4A. REINSTATEMENT**

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

Gonzalez, Juan J. – Secretary  
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**4B. REINSTATEMENT**

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

Sierra, Luz – Senior Office Assistant  
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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Teri L. Froetschel to the El Paso Mountain Committee by Representative Jose Alexandro Lozano, District 3.  
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**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Lois Balin to the Tree Board by Representative Melina Castro, District 4.  
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**6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried that the Purchasing Manager for the Financial Services Department be **AUTHORIZED** to issue a Purchase Order to eCivis, the creator and sole provider of Grants Locator software. The contract term is twelve months. The initial contract period is June 1, 2007, through May 31, 2008.

Department: Information Services  
Option: Two options to extend an additional two years, subject to City Council approval  
Account No.: 39010351 - 01101 - 502202  
Funding Source: Operating Account, Computer Related Leases  
Annual Estimated Award: \$39,000.00  
Sole Source No.: 2006-110

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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**6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried that the Purchasing Manager for the Financial Services Department be **AUTHORIZED** to issue a Purchase Order to Con-Space Communications, the manufacturer for implementing modification of the Fire Department's Scott EZ Radiocom II's.

Department: Fire  
Annual Estimated Award: \$34,000.00  
Account No. 04200401-29204-508035 Project PMB0005004  
Funding Source: Fire Capital Acquisitions, Communication Equipment Maintenance.  
Sole Source No.: 2007-166

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**7. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-140 (Food & Beverage Concession for Parks & Recreation) to Big Boy Concessions, Inc. and Isseel Ice Cream for a total estimated award of \$83,400.00.

Department: Parks and Recreation  
Award to: Vendor 1 Big Boy Concessions, Inc.  
El Paso, TX  
Items: Marty Robins and Blackie Chesher Parks

Award to: Vendor 2 Isseel Ice Cream  
El Paso, TX  
Item: Veterans Parks

Option: Extend contract an additional 24 months  
Annual Estimated Amount: \$27,800.00  
Account No.: Revenue  
Funding Source: Revenue  
Total Estimated Award: \$83,400.00

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award as indicated.

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**8A – 8E. INTRODUCTIONS**

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

- A. An Ordinance amending Title 5 (Business Taxes, Licenses & Regulations), Chapter 5.54 (Sexually Oriented Business) of the El Paso City Code in its entirety, relating to licensing requirements and regulations for sexually oriented businesses within the city limits of El Paso.
- B. An Ordinance deleting Chapter 2.80 (Cable Communication Commission) of the El Paso City Code to abolish the Cable Communication Commission.
- C. An Ordinance granting a license to Pulse Media, Inc., d/b/a Lumenbrite Café, permitting the operation of a concession inside the Memorial Park Branch of the El Paso Public Library and

authorizing the Mayor to sign, on behalf of the City of El Paso, a License upon the terms set forth in the Ordinance and Exhibit A, the License Agreement.

- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08, Section 12.08.230 (Disabled-Parking Enforcement Volunteers) of the El Paso City Code to amend the provisions relating to approval of Volunteer Services Agreement by City Manager.

**PUBLIC HEARING WILL BE HELD ON MAY 8, 2007, FOR ITEMS 8A – 8D**

- E. An Ordinance changing the zoning of a portion of Tract 2A, Block 1, Morehead Block, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Casa Drive and North of Montana Avenue. Applicant: Casa Ford Lincoln Mercury. ZON06-00006

**PUBLIC HEARING WILL BE HELD ON MAY 15, 2007, FOR ITEM 8E**

NOT PRESENT FOR THE VOTE: Representative Castro

9.

**ORDINANCE 16605**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON) SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2007;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Representatives Castro and Lilly commented.

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

Mr. Paul Braden, Bond Counsel, and Mr. Ruben Torres, Wells Fargo, commented.

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

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

**10A. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of all of C.R. Morehead Survey No. 16 and a portion of Hill Terrace Addition, El Paso, El Paso County, Texas, from R-4 (Residential) to A-3 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Representative Byrd presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Kelly Carpenter, Deputy Director of Planning, and Mr. Ted Marquez, Engineering Division Manager, commented.

The following members of the public commented:

1. Mr. James McLaughlin
2. Ms. Madeline Haddox
3. Mr. Jon Little
4. Mr. Leon Raines
5. Mr. Brent Little presented a PowerPoint presentation (on file in the City Clerk's office).
6. Mr. Paul de la Pena

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

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

NOT PRESENT FOR THE VOTE: Representative Castro

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

Motion made by Representative Castro, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. de la Pena an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

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

Motion made by Representative Byrd, seconded by Representative Holguin, and carried to **DENY** the Ordinance.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., and Holguin

NAYS: Representatives Steve Ortega and O'Rourke

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 11:56 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **RECONVENE** the City Council Meeting at 12:18 p.m.

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

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**10B.**

**ORDINANCE 16606**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 7A, SECTION 29, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL)**

**AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Castro commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly, Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

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**10C.**

**ORDINANCE 16607**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00128 TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACTS 2R1, 2R3, AND 2A10B, BLOCK 6, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Steve Ortega commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Mr. Jorge Ascarte, from CA Group (representing the applicant), commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

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**10D.**

**ORDINANCE 16608**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00001 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOT 20, BLOCK 8,**

COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, (2224 YANDELL DRIVE); BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS A PORTION OF LOTS 9 AND 11 AND ALL OF LOT 10, BLOCK 16, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, (2219 YANDELL DRIVE); PARCEL 3, DESCRIBED AS THE SOUTH PORTIONS OF LOTS 21-24, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, (2216 YANDELL DRIVE), AND PARCEL 4, DESCRIBED AS LOTS 26-32, AND A PORTION OF LOT 25, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, (2212 YANDELL DRIVE), PURSUANT TO SECTION 20.42.040 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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, Lozano, Castro, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

.....  
ITEMS TAKEN TOGETHER:

**10E.**

**ORDINANCE 16609**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO CHICO'S TACOS INC. PERMITTING THE ENCROACHMENT ONTO A PORTION OF AN ALLEY ADJACENT TO BLOCK 2, TOBIN'S WASHINGTON PARK ADDITION, EL PASO, EL PASO COUNTY, TEXAS, TO ALLOW PARKING, SIGNAGE, LANDSCAPING, VEHICULAR AND PEDESTRIAN TRAFFIC.**

**10F.**

**ORDINANCE 16610**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE PORTION OF THE ALLEY ABUTTING LOTS 1 THROUGH 10, BLOCK 2, TOBIN'S WASHINGTON PARK ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

10G.

**ORDINANCE 16611**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF AN ALLEY LOCATED BETWEEN PERA STREET AND WASHINGTON PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Lozano, 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 Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinances, the same be and the same is hereby **ADOPTED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

.....  
**10H. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance authorizing the City Manager to sign a Conservation Easement Agreement with the Frontera Land Alliance for a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso County, Texas, according to the map on file in the Office of the Central Appraisal District, El Paso County, Texas.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the item for one week.

NOT PRESENT FOR THE VOTE: Representative Castro

.....  
**10I. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the item for four weeks.

NOT PRESENT FOR THE VOTE: Representative Castro

.....  
**11.**

**ORDINANCE 16612**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), SUBSECTION C (EXCEPTIONS) OF THE EL PASO CITY CODE TO ADD AN EXCEPTION FOR CONTRACTOR STAMPS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.**

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

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, Interim City Engineer, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED, AS REVISED**. 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, Lozano, Steve Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representatives Castro, Presi Ortega, Jr., and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS REVISED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

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**12.**

**ORDINANCE 16613**

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 THE SOUTHEAST CORNER OF BENITO WAY AND CANDELARIA ST., AS MORE PARTICULARLY DESCRIBED IN THE ORDINANCE, TO MJ REAL PROPERTIES, INC., IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Representative Holguin commented.

Mr. Jose Padilla, outside tax counsel, commented.

Motion duly made by Representative Holguin, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED, AS REVISED**. 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, Lozano, Holguin, Steve Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representatives Castro and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS REVISED** and instruct the City Attorney's Office to explore the maximum number of feet allowed by law.

.....  
**13A. MAYOR AND COUNCIL**

Discussion and action regarding the installation of four-way stop sign signage at the intersection of Bucher and Dale Streets.

Mayor Cook and Lozano commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Ms. Elva Villagran, citizen, commented.

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

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Presi Ortega, Jr.

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

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for four weeks.

NOT PRESENT FOR THE VOTE: Representatives Castro and Presi Ortega, Jr.

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**13B. MAYOR AND COUNCIL**

Discussion and action regarding placing the Lee Trevino Extension back into the City of El Paso Major Thoroughfare Plan.

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

Ms. Joyce Wilson, City Manager, and Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented and Ms. Laura Gordon, Deputy City Attorney, gave legal advice..

The following members of the public commented:

- 1. Ms. Katherine Lara
- 2. Ms. Alma Wilson
- 3. Ms. Carina Ramirez
- 4. Mr. Martin Gutierrez
- 5. Ms. Megan Shaughnessy
- 6. Mr. Luis Marquez
- 7. Mr. Ed Talamontes
- 8. Ms. Lisa Turner
- 9. Mr. Carlos Sandoval
- 10. Ms. Laura Akers
- 11. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
- 12. Mr. Mike Lara

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

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

NOT PRESENT FOR THE VOTE: Representative Castro

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

Motion made by Representative Holguin, second by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gutierrez an additional three minutes to address the Council.

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

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

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Lara to address the Council after the sign-up period.

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

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

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

Motion made by Representative Holguin, seconded by Representative Steve Ortega, and unanimously carried to **DELETE** proposed routes 1 – 8 from the Lee Trevino extension project, to instruct staff to explore the route Representative Lozano has proposed, to ask Governor Arturo Senclair of the Tigua Indian Nation to bring Representative Lozano’s proposed route back to his Tribal Council for their consideration, and to direct staff to work with the City Attorney’s Office to draft the appropriate Ordinance with those provisions and restrictions.

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**13C. MAYOR AND COUNCIL**

Discussion and action on the City of El Paso taking over responsibility of alleys, including maintenance, clean up, and physical condition; and to return to alley collection of residential trash and recycling.

Mayor Cook and Representatives O’Rourke, Steve Ortega, Lozano, Lilly, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Mr. Jorge Almada, citizen, commented.

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

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**ITEMS TAKEN TOGETHER:**

**13D. MAYOR AND COUNCIL**

Quarterly Report by the Committee on Border Relations by the Committee Chair Jose Contreras.

**13E. MAYOR AND COUNCIL**

Discussion and action on meeting between the Cities of Ciudad Juarez, City of Sunland Park, and the City Of El Paso by Committee on Border Relations by the Committee Chair Jose Contreras.

Mayor Cook and Representatives Lozano and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Robert Andrade, Executive Assistant to the Mayor, commented and Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Ms. Anna Perez, Vice Chair of the Border Relations Committee, Ms. Christina Garcia, Mayor’s office of the City of Juarez, and Mr. Raul Ruiz , Representative of the City of Juarez, commented.

**NO ACTION** was taken on the item.  
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**14A. FINANCIAL SERVICES**

Discussion and action regarding the appointment of First Southwest Company as placement agent for the City's proposed issuance of its Public Improvement District #1 Special Assessment Revenue Bonds, Series 2007.

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

\*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT OF ITEM 9.**

NOT PRESENT FOR THE VOTE: Representative Castro

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

Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **APPROVE** the item.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

**14B.**

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

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

**WHEREAS**, pursuant to the Federal Transit Administration (the "FTA") Third Party Contracting Requirements Circular #C 4220.IE, a grantee of FTA grants may purchase equipment under the terms of a contract entered into by and between another governmental entity and a vendor; provided that such contract contains an assignability clause that provides for the assignment of all or a portion of the specified deliverable as originally advertised, competed, evaluated, and awarded;

**WHEREAS**, the Massachusetts Bay Transportation Authority's ("MBTA") and North American Bus Industries, Inc. ("NABI") entered into formal Contract No. 639 (the "Contract") relating to IFB No. CAP 9-01 whereby MBTA agreed to purchase from NABI 175 40-foot Low Floor Compressed Natural Gas Buses ("CNG Buses");

**WHEREAS**, under Section C, Part C2.00 of the Contract, MBTA reserved the right to assign its option to purchase additional vehicles under Option I of up to 100% of the base bid to another transit agency, subject to the acceptance of the terms and conditions of the Contract by said agency;

**WHEREAS**, the City of El Paso (the "City") is a grantee of FTA grants;

**WHEREAS**, MBTA desires to assign and the City desires to accept assignment of a portion of MBTA's powers, rights, remedies, and privileges under Option I of the Contract to allow the City to purchase twenty (20) CNG Buses from NABI; and

**WHEREAS**, the City desires to purchase twenty (20) CNG Buses under the terms of the Contract.

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

That the City is hereby authorized to enter into an assignment agreement by and between the City and MBTA whereby MBTA assigns and the City accepts assignment of MBTA's powers, rights, remedies,

and privileges under Option I of the Contract to allow the City to purchase twenty (20) CNG Buses from NABI (the "Assignment Agreement");

That the City is hereby authorized to purchase twenty (20) 40-foot CNG Buses from NABI pursuant to the terms and conditions set forth in the Contract at a cost per bus of \$397,172.32 plus spare parts in the amount of \$196,488.34 for a total purchase price of \$8,139,934.74; and

That the City Manager is hereby authorized to approve, execute, and deliver the Assignment Agreement and any other necessary documents to effectuate this assignment and the purchase of the twenty (20) CNG Buses.

Lisa Turner, citizen, commented.

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

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

NAYS: Representative Castro

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

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**15A. CITY MANAGER**

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

Mr. Alan Shubert, Director of Development Services, commented.

**NO ACTION** was taken on the item.  
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**15B. CITY MANAGER**

City Manager's report of current events and issues:

Quarterly Financial Report: 2<sup>nd</sup> Quarter for Fiscal Year 2007/2008.

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

**NO ACTION** was taken on the item.  
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Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:44 p.m.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk