

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MAY 5, 2009  
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Emma Acosta at 9:06 a.m. and Melina Castro at 9:07 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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**Notation for the record:** Prior to the Mayor's Proclamations, Representative Melina Castro presented the City with a \$30,000 check to satisfy a court judgment and presented a letter to Mayor Cook, requesting that the letter be included in the minutes of the City Council meeting as part of the record of this meeting.

**MAYOR'S PROCLAMATIONS**

1. **AMERICORPS AWARENESS WEEK**
2. **NATIONAL ASSOCIATION OF LETTER CARRIERS**
3. **OLDER AMERICANS AWARENESS MONTH**
4. **MENTAL HEALTH AWARENESS MONTH**
5. **PUBLIC SERVICE RECOGNITION WEEK**

**RECOGNITION:**

**COMMUNITY DEVELOPMENT BLOCK GRANT WEEK –  
FOOD DRIVE PARTNERS AND VOLUNTEERS**

**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. Mr. Jerry Thiedt
- 2. Ms. Lisa Turner
- 3. Mr. Jorge Almada
- 4. Ms. Esther Perez
- 5. Mr. Arthur Ward

Representative Quintana commented.

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

**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, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 28, 2009.

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

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

**3A.**

**\*RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso finds that it would be in the best interest of the public to authorize offset angle parking on the west and east sides of Mescalero Road between Montana Avenue and Aztec Road; and

**WHEREAS**, the City Council of the City of El Paso further finds, in accordance with Section 12.44.050 of the El Paso Municipal Code, that said right-of-way is not upon a Federal-aid or State Highway; that passing traffic will not be required to drive upon the left side of the street or upon any streetcar tracks; that said parking will not be within the Central Traffic District nor the Five Points Traffic District; that said street does not carry more than 4,000 vehicles average per day, nor more than 500 vehicles per hour for any consecutive three day hours of an average; and that adequate provision has been made for the free and unobstructed passage of pedestrian traffic thereof;

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

**THAT** the City Engineer is hereby authorized and directed to designate sixteen (16) offset angle parking spaces on the west side of Mescalero Road between Montana Avenue and Aztec and fourteen (14) offset angle parking spaces on the east side of Mescalero Road between Montana Avenue and Aztec. Said right-of-way shall be used for public parking and cannot be used to satisfy the off-street parking required by City Ordinance for the adjacent property.

**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Jorge F. Esparza and Rosa M. Esparza for the purchase of the following parcels for the Stanton Street Toll Plaza Project for \$133,117.00: Parcel 1: Lot 15 and the south 2 feet of Lot 14, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas, commonly known as 1008 S. Mesa Street, El Paso, El Paso County, Texas, and Parcel 2: Lot 16 and Lot 17, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas, commonly known as 1010 and 1012 S. Mesa Street, El Paso, El Paso County, Texas.

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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign an agreement for electric service and an agreement granting an underground and overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Vista Del Valle Park (Cielo Vista Library) at Hawkins and Darlina, El Paso, Texas. Said property being more particularly described as a portion of Tract 4A-31-C, Block 2, Ascarate Grant Subdivision, El Paso, El Paso County, Texas.

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**3D. RESOLUTION**

\*Motion made, seconded, and unanimously carried to **DELETE** the approval of a Joint Resolution of the El Paso Water Utilities Public Service Board, Trustees (PSB) and the City Council of the City of El Paso, Texas, (City) pertaining to the joint use of property located adjacent to Brown Street and Schuster Avenue being portions of Blocks 39F, 137, 138, 139,142, 143 and 174 Alexander Addition, El Paso, El Paso County, Texas (District #1) to allow for compatible use with the City's adjoining property.

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**3E.**

**RESOLUTION**

1. That the El Paso City Council approves submission of the grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services ("COPS") for the El Paso Police Department's School Emergency Preparedness and Student Teen Emergency Preparedness Programs.
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 \$233,606.01 from the El Paso Police Department, on behalf of the School Emergency Preparedness and Student Teen Emergency Preparedness Programs, to COPS for the purpose of continuing the El Paso Police Department's School Emergency Preparedness and Student Teen Emergency Preparedness Programs.
3. The City of El Paso agrees to provide a cash match in the amount of \$233,606.01.
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 of El Paso receives or provides to its police department at or after the time the grant is awarded.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Eric Shelton
- 3. Ms. Laura Garcia, Police Administrative Services Manager

Ms. Lisa Turner, citizen, commented.

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

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

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

Motion made by Representative Acosta, seconded by Representative Quintana, and unanimously carried to **APPROVE** the Resolution, with the condition that the City Manager seek funding from the school districts for the matching funds, and if that participation is confirmed, proceed with the submittal of the grant application.

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**3F.**

**\*RESOLUTION**

**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 to the Auto Burglary & Theft Prevention Authority ("ABTPA") for the benefit of the El Paso Police Department's Auto Theft Task Force, also known as El Paso County Auto Burglary and Theft Prevention Task Force.
- 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 \$1,308,027 from the El Paso Police Department, on behalf of its Auto Theft Task Force, to the ABTPA for purpose of continuing the efforts of the El Paso Police Department's against auto theft and related crimes the City of El Paso.
- 3. The City of El Paso agrees to provide a cash match in the amount of \$261,895, and in-kind match in the amount of \$1,370,829.00.
- 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 of El Paso receives or provides to its police department at or after the time the grant is awarded.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.  
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**3G. RESOLUTION**

**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 Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **DELETE** the Resolution authorizing that the tax resale procedures passed by Council on April 24, 2001, be amended for consistency with the Tax Code.

Mayor Cook and Representatives Byrd and Holguin commented.

Ms. Bertha Ontiveros, Assistant City Attorney, and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Jose Padilla, Tax Counsel from Delgado, Acosta, Spencer, Linebarger & Perez, LLP, commented.

Ms. Lisa Turner, citizen, commented.

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**4A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Luis H. De La Cruz to the City Plan Commission, effective May 8, 2009, by Representative Emma Acosta, District 3.

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**4B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Belinda Luna to the Airport Board, effective May 8, 2009, by Representative Emma Acosta, District 3.

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**4C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Vern E. Autrey to the Tree Board to fill an unexpired term by Representative Beto O'Rourke, District 8.

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**4D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Miguel A. Escoto to the International Bridge Commission to fill an unexpired term by Representative Beto O'Rourke, District 8.

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**4E. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Claudia Ivette Acuna to the Complete Count Committee by Representative Melina Castro, District 4.

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**4F. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Sergio Chiu to the International Bridge Commission, filling an unexpired term, by Representative Melina Castro, District 4.  
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**4G. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** David C. Fuller to the Airport Board, filling an unexpired term, by Representative Melina Castro, District 4.

**4H. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** James Ratcliff to the Public Utility Regulation Board, filling an unexpired term, by Representative Melina Castro, District 4.

**4I. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the appointment of Elvia Durcholz to the El Paso Museum of Archaeology Advisory Board, filling an unexpired term, by Representative Melina Castro, District 4.

**5A. NOTICE OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Mayor John F. Cook all on April 23, 2009, in the amount of \$5,000 from the El Paso Association of Firefighters - Local 51; \$2,500 from El Paso Sheriff's Officers Association; \$500 from C.F. Jordan (Paco); \$500 from Richard Castro; \$5,000 from El Paso Municipal Officers Association; \$50 from Harris Hatfield; \$250 from James E. Rogers, Jr.; \$100 from James and Judith Robers, III; \$250 from James and Dianna Brundage; \$100 from Donald Shapiro; \$100 from David and Anne Scepaniski; \$1000 from Ralph Adame; \$250 from James and Debra Kelly; \$25 from Xavier Miranda; \$25 from Jose and Maria Vargas; \$500 from Enrique Moreno; \$500 from Les Parker; \$100 from Evelina Ortega; \$250 from Jose and Rebecca Cardenas; \$50 from Robert and Naomi Pridemore; \$250 from James Volk; \$250 from Richard Henley; \$100 from Joe Gomez; \$250 from Phillip Bowen; \$250 from Joshua and Martha Hunt; \$500 from Kemp Smith LLP; \$150 from Noel Rosenbaur; \$100 from Brian and Jennifer Temple; \$250 from Wayne Windle; \$250 from Windle, Hood, Alley, Norton, Brittain & Jay LLP; \$500 from Richard Amstater; \$200 from Rancho del Cielo; \$85 from Charles and Judith Kohlhaas; \$50 from John and Rachael Padalino; \$50 from Mark Matthys; \$25 from Dora Moreno; \$500 from Paul and Suzanne Dipp; \$25 from Yolanda Clay; \$500 from Irene Chavez; \$500 from Hector and Debbie Gutierrez; \$100 from Linda Sigmund; \$100 from Andre and Mary Bullitt; \$25 from Octavio and Priscilla Navarro; \$200 from Oscar Venegas; \$100 from David Velos; \$100 from Paula Villalobos; and \$400 from Michael Dipp.

**5B. NOTICE OF CAMPAIGN CONTRIBUTIONS**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on April 24, 2009, in the amount of \$1,000 from Ike Monty.

**6. DISCRETIONARY FUNDS**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the allocation of District 4 discretionary funds in the amount of \$3,600 to purchase a TC500-B Battery Operated Radar Sign, {24"w x 21"h YOUR SPEED faceplate with 12" super bright amber LED display that is not so large that it will block a driver's view or be considered too big for a neighborhood or school zone setting. Ideal for 10 – 40 MPH speed limit roads; this includes the software to conduct traffic studies}, to be used at the Northeast Regional Command Center in District 4.

**7. APPLICATIONS FOR TAX REFUND**

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

- A. First American Real Estate Tax Service in the amount of \$3,583.21 overpayment of 2007 taxes. (PID #C007-999-0010-1500).
- B. First American Real Estate Tax Service in the amount of \$3,668.95 overpayment of 2008 taxes. (PID #C007-999-0010-1500).
- C. Countrywide Tax Services Corporation in the amount of \$3,423.35 overpayment of 2008 taxes. (PID #C007-999-0030-4900).
- D. Teresa Marquez-Smith in the amount of \$15,432.96 overpayment of 2008 taxes. (PID #E750-999-0010-2400).
- E. Chase Home Finance in the amount of \$2,744.99 overpayment of 2008 taxes. (PID #G569-999-0130-9100).
- F. Stewart Title of El Paso in the amount of \$3,551.89 overpayment of 2008 taxes. (PID #M395-999-0020-5000).
- G. Richmond Title Services in the amount of \$3,238.77 overpayment of 2008 taxes. (PID #N241-999-0140-0700).
- H. Olga Zanker in the amount of \$3,856.10 overpayment of 2008 taxes. (PID #P654-999-0240-1100).
- I. Taylor Bear & Whitaker in the amount of \$6,053.39 overpayment of 2008 taxes. (PID #R246-999-0190-2900).
- J. Sierra Title Company in the amount of \$4,992.25 overpayment of 2007 taxes. (PID #R246-999-0190-3200).
- K. Chase Home Finance in the amount of \$8,007.03 overpayment of 2007 taxes. (PID #460-999-0270-3900).

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**8. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to W.W. Grainger, Inc. under the Texas Procurement and Support Services (TPASS) State of Texas Contract No. TXMAS-2-539030 for smoke detectors. Total estimated expenditure is \$144,200. The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department:	Fire
Account No.:	22150024 – 508035 – 07175 – G220813
Funding Source:	FEMA Funds through Assistance to Firefighter Grant Fire Prevention and Safety Program
Total Estimated Award:	\$144,200
Reference No.	2009-205

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**9A. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-076 (Building Space Rental - Carolina WIC Clinic) to El Paso A.R.C. Electric, Inc., for a total estimated award of \$172,800.

Department: Public Health  
Award to: El Paso A.R.C. Electric, Inc.  
El Paso, TX  
Items: All  
Option: Two 3-year lease terms  
Account No.: 41150011 – 502400 – 06341 – G4109AD and  
41150011 – 502400 – 06343 – G4109NE  
Funding Source: TDH WIC Services-Building Leases-WIC Administration and  
TDH WIC Services-Building Leases-WIC Nutrition Administration  
Total Est. Award: \$172,800 (3-year total)

This is a thirty-six month contract with options as stated above.

The Departments of Financial Services, Purchasing Division, and Public Health recommend award to El Paso A.R.C. Electric, Inc., the vendor offering the best value bid.

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**9B. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-119 (Building Lease - Sunrise WIC Clinic) to T-Sunrise Shopping Center for a total estimated award of \$173,999.88.

Department: Public Health  
Award to: T-Sunrise Shopping Center  
El Paso, TX  
Items: A  
Option: Two 3-year lease terms  
Account No.: 41150011 – 502400 – 06341 G4109AD and  
41150011 – 502400 – 06343 G4109NE  
Funding Source: TDH WIC Services-Building Leases-WIC Administration and  
TDH WIC Services-Building Leases-WIC Nutrition Administration  
Total Est. Award: \$173,999.88 (3-year total))

This is a thirty-six month contract with options as stated above.

The Departments of Financial Services, Purchasing Division, and Public Health recommend award to T-Sunrise Shopping Center, the sole bidder.

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**10A. – 10B. INTRODUCTIONS**

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

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

**10A.** An Ordinance adopting impact fees for water and wastewater facilities, establishing impact fee service areas, providing for assessment and collection of impact fees; providing for accounts for impact fees and use of funds in these accounts; providing for appeals; and providing for other provisions required under state law; including procedural provisions; and amending Title 15 (Public Services) of the El Paso City Code to add a chapter on impact fees which shall codify this Ordinance.

Mayor Cook and Representatives Byrd and Quintana commented.

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

**10B.** An Ordinance amending Ordinance number 016971 to set a quorum for the International Bridge Commission as a majority of the currently appointed commissioners.

Representative Quintana commented.

**PUBLIC HEARING WILL BE HELD ON MAY 12, 2009, FOR ITEMS 10A – 10B**

**11. FINANCIAL SERVICES**

**A.** Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2009-153 (Northeast Regional Park Field Lighting) to Kendrick Electric Corporation for a total estimated amount of \$593,700.

NOT PRESENT FOR THE VOTE: Representative Acosta and Quintana

Department:	Engineering
Award to:	Kendrick Electric Corp.
El Paso, TX	
Base Bid:	\$529,600
Option No. 1:	\$ 64,100
Account No.:	14101001 – 508027 - 60137 – PPW0046004B
Funding Source:	2000 Quality of Life Bonds
Total Estimated Award:	\$593,700

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract.

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

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

B. \*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2009-157 (Westside Sports Complex Field Lighting) to RT Electric, Inc. for a total estimated amount of \$826,306.

Department: Engineering  
Award to: RT Electric, Inc.  
Las Cruces, NM  
Base Bid: \$362,395  
Option No. 1: \$152,369  
Option No. 2: \$144,474  
Option No. 3: \$167,068  
Account No.: 14101001 – 508027 – 60137 – PQLPA172C  
Funding Source: 2000 Quality of Life Bonds  
Total Estimated Award: \$826,306

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

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

This is a low bid, lump-sum contract.

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

Ms. Joyce Wilson, City Manager, commented.

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**12A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of Tracts 1D-2C, 1D-2A1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Ms. Richarda Momsen, Municipal Clerk, commented.

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**12B. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of Lots 9 and 10, Block 63, East El Paso Addition, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Ms. Richarda Momsen, Municipal Clerk, commented.

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The City Council Meeting **RECESSED** at 10:49 a.m. and **RECONVENED** at 11:04 a.m.

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**13. COMMUNITY AND HUMAN DEVELOPMENT**

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **CLOSE THE PUBLIC HEARING** on City Council amending the City's 2005 - 2010 Consolidation Plan by adding a Homelessness Prevention and Rapid Re-Housing Program (HPRP) component, with Homeless Needs addressed by HPRP activities being rated as "high priority needs" in the Homeless Needs Table for Individuals and Families in the 2005-2010 Consolidated Plan, and amending the 2008-2009 Annual Action Plan by adding HPRP-funded activities.

Representative Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. William Lilly, Director for Community and Human Development, commented.

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14.

**RESOLUTION**

**WHEREAS**, on July 19, 2005, the City Council for the City of El Paso adopted a five-year (2005-2010) Consolidated Plan that serves as a comprehensive housing affordability strategy, community development plan, and submission for funding programs that address homelessness and homelessness prevention such as the Emergency Shelter Program and Community Development Block Grant Public Services homeless programs which were submitted to the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, on June 26, 2007, the City Council for the City of El Paso first amended the 2005-2010 Consolidated Plan to comply with new HUD regulations that became effective March 13, 2006, and again amended the 2005-2010 Consolidated Plan on August 26, 2008 to add a Neighborhood Revitalization Strategy Area component that was approved by HUD on November 12, 2008; and once again amended the 2005-2010 Consolidated Plan on November 18, 2008 to add a Neighborhood Stabilization Program component that was approved by HUD on January 26, 2009; and

**WHEREAS**, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires to amend the 2005-2010 Consolidated Plan by adding a Homelessness Prevention and Rapid Re-Housing Program (HPRP) component, with Homeless Needs addressed by HPRP activities being rated as "high priority needs" in the Homeless Needs Table for Individuals and Families in the 2005-2010 Consolidated Plan, and to amend the Annual Action Plan (2008-2009) by adding HPRP-funded activities as specified in Attachment A; and

**WHEREAS**, on April 22, 2009, the City of El Paso published in the El Paso Times public notice to allow a 12-day public comment period regarding the proposed amendment to the 2005-2010 Consolidated Plan in conjunction with HUD's reduced requirement under Title XII of Division A of the American Recovery and Reinvestment Act as explained in HUD's HPRP Notice, Docket No. FR-5307-N-01, shortening the public comment period from 30 days to 12 days due to the expedited nature of the amendment, and the City also complied with HUD's recommendation that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed, and City Council has duly considered public comment, if any; and

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

1. That the 2005-2010 Consolidated Plan is hereby amended as follows:

Adding a Homelessness Prevention and Rapid Re-Housing Program (HPRP) component with Homeless Needs addressed by HPRP activities rated as "high priority needs" in the Homeless Needs Table for Individuals and Families in the 2005-2010 Consolidated Plan, and amending its Annual Action Plan (2008-2009) to allow the City of El Paso to use CDBG funds specifically designated for HPRP activities, as specified in Attachment A, to give priority consideration and focus additional federal funds to provide homelessness prevention assistance to households who would otherwise become homeless - many due to the economic crisis, and to provide assistance to rapidly re-house persons who are homeless as defined by Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

2. That the City Manager be authorized to sign and submit to the U.S. Department of Housing and Urban Development (HUD) a Form SF-424, a Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (Attachment A), as part of the amended Annual Action Plan (2008-2009), and related HPRP certifications contained therein.
3. That the City Manager be authorized to sign a Grant Agreement with HUD for the HPRP formula grant covered by the City's Annual Action Plan.
4. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

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**15. COMMUNITY AND HUMAN DEVELOPMENT**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **CLOSE THE PUBLIC HEARING** on the adoption of the Proposed Budgets for the 35<sup>th</sup> Year (2009 - 2010) Community Development Block Grant (CDBG) Program, the 2009 - 2010 Emergency Shelter Grant (ESG) Program, the 2009 - 010 HOME Investment Partnerships (HOME) Program, and the 2009 - 2010 Housing Opportunities for Persons with AIDS (HOPWA) Program.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Representatives Acosta, Holguin, Byrd, Quintana, Lilly, and Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. William Lilly, Director of Community and Human Development, commented.

The following members of the public commented:

1. Ms. Elva Villagran
2. Mr. Rodolfo Rodriguez
3. Ms. Susan Austin

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**16. RESOLUTION**

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

1. That, having conducted a public hearing in order to receive public comment, the City Council hereby adopts the Proposed Budgets for the 35th Year (2009-2010) Community Development Block Grant (CDBG) Program, the 2009-2010 Emergency Shelter Grant (ESG) Program, the 2009-2010 HOME Investment Partnerships (HOME) Program, and the 2009-2010 Housing Opportunities for Persons with AIDS (HOPWA) Program, all attached hereto as Exhibit "A"; and

2. That the City Council directs that the Proposed Budgets for the 35th Year (2009-2010) CDBG, and the 2009-2010 ESG, HOME and HOPWA Programs be published in the El Paso Times on Sunday, May 10, 2009, to provide the public with an opportunity to review the Proposed Budgets, as part of the summary of the Proposed Annual Action Plan for 2009-2010, and submit comments to the City Council or the Department of Community and Human Development. The deadline for submission of written comments will be 5:00 p.m., on Friday, June 12, 2009. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 23, 2009, for the purpose of receiving comments from the public and adopting the Annual Action Plan, including the 35th Year (2009-2010) CDBG, and the 2009-2010 ESG, HOME and HOPWA Budgets, for submission to the U.S. Department of Housing and Urban Development.

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution, **AS AMENDED AND WITH THE EXCEPTION OF PROJECT 14 AND PROJECT 30.**

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

Motion made by Representative Holguin, seconded by Representative Quintana, to **DELETE** Project 14. **THE MOTION FAILED.**

Ayes: Representatives Quintana and Holguin  
Nays: Representatives Lilly, Byrd, Acosta, Castro, Ortega, and O'Rourke

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried to **APPROVE** Project 14.

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried to **APPROVE** Project 30.

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

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**17. DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the item regarding an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC09-00005; 3200 Wheeling, El Paso, Texas, on February 2, 2009, to approve a Certificate of Appropriateness for the referenced property.

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**18. CITY MANAGER**

City Manager’s report of current events and issues:

- Capital Improvement Program status - 2005 to present
- Architect/Engineer Selection Process revisions
- Contractor Performance Evaluation process

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

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

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Phil Rothstein, Council of Consulting Engineers
2. Mr. John Cordova, Council of Consulting Engineers
3. Mr. David Karlsruher, CSA Engineers & Constructors

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

**NO ACTION**, other than the above procedural Motion, 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 12:41 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk