

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
MAY 6, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd at 8:34 a.m., Ann Morgan Lilly at 8:36 a.m. during Executive Session deliberations, and Melina Castro at 8:43 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. MENTAL HEALTH AWARENESS MONTH**
- 2. SHIELD-A-BADGE WITH PRAYER DAY**
- 3. NATIONAL NURSES' WEEK**
- 4. NATIONAL ASSOCIATION OF LETTER CARRIERS**

RECOGNITION

**POLICE CENTRAL REGIONAL COMMAND CENTER'S UNDERAGE DRINKING INITIATIVE POSTER
CONTEST CONTESTANTS**

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 member of the public commented:

1. Mr. Lance Ruck
2. Mr. Ray Gilbert

Mayor Cook commented.

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert to address the Council.

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Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd, and Castro

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana, and Holguin

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EX1. Claim of Hector Carnera o/b/o Michael Carnera; Our File No. 07-C-239/Parks. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all necessary documents to resolve the claim regarding the claim of Hector Carnera o/b/o Michael Carnera, Our File No. 07-239/Parks.

AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega, and O'Rourke
ABSTAIN: Representative Castro

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EX2. Discussion and action regarding the City of El Paso vs. Eugenio R. Hinojosa, Jr., et. al., Cause No. 2004TX842. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City Attorney's Office be authorized to **ACCEPT** the settlement offer made by Henry C. Hosford, attorney for Countrywide Home Loans, dated February 26, 2008, for settlement of Cause No. 2004TX842, City of El Paso v. Hinojosa.

AYES: Representatives Lilly, Byrd, Quintana, Holguin, Ortega, and O'Rourke
ABSTAIN: Representative Castro

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ITEMS TAKEN TOGETHER:

- EX3.** Claim of Benco Commercial Roofing, Our File No. 08-C-058. (551.071)
- EX4.** Claim of Jose Galvan, Our File No. 07-C-088A. (551.071)

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

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EX5. Claim of Betts Claims Service/Harold Pracht; Our File No. 07-C-088B. (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive, as necessary to resolve any claims and lawsuits asserted against the City in Our Files No. 07-C-088B/Betts Claims Service/Harold Pracht, and 07-COL-033/Freddie Cerrato. This Motion is intended to grant broad authority to the Office of the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial process.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Betts Claims Service/Harold Pracht, Our File No. 07-C-088B.

Mayor Cook commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

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EX6. Freddie Cerrato, Our File No. 07-COL-033/Street. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive, as necessary to resolve any claims and lawsuits asserted against the City in Our Files No. 07-C-088B/Betts Claims Service/Harold Pracht, and 07-COL-033/Freddie Cerrato. This Motion is intended to grant broad authority to the Office of the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial process.

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EX7. Discussion and action regarding Empowerment Zone Loan EZRLF-67 to Rose Montes Tate d/b/a Pike Street Market. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City of El Paso authorizes the City Attorney to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive, as necessary, related to collection efforts and debt recovery of Empowerment Zone loan EZRLF-67 against Rose Montes Tate d/b/a Pike Street Market as borrower and loan guarantor. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, proof of claims, complaints and any other administrative or judicial proceeding or process, in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

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

NAYS: None
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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of April 29, 2008.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

***RESOLUTION**

WHEREAS, Vanilla, Brick & Mortar, 1914 and Shadow Lounge (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for What's Up Best of the Best (hereinafter referred to as "Event"), on Wednesday, May 14, 2008 to Thursday, May 15, 2008; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for less than 24-hours to temporarily close a portion of sidewalk on Durango and the adjacent Western Court, between South Durango Street and Anthony Street for the use and closure of public rights-of-way from 12:00 pm Wednesday, May 14, 2008 to 3:00 am Thursday, May 15, 2008, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of side walk on Durango Street and the adjacent Western Court between South Durango Street and Anthony Street from 6:00 pm, Wednesday, May 14, 2008 to 2:00 am, Thursday, May 15, 2008.

3B.

***RESOLUTION**

That the City Manager be authorized to sign a Multiple Use Agreement between the City of El Paso and the State of Texas by and between the Texas Department Of Transportation to permit the construction, maintenance, and operation of a public detention pond and underground storm sewer on the highway right-of-way at Joyce Circle and Gateway Boulevard South.

3C.

***RESOLUTION**

That the City Manager be authorized to sign an Electrical Service Agreement with the El Paso Electric Company for the purpose of providing electrical service to the Westside Sports Complex. Said property being more particularly described as a portion of Tract 1A, Nellie D. Mundy Survey No. 240, El Paso County, Texas.

3D.

***RESOLUTION**

That the City Manager be authorized to sign an Electrical Service Agreement with the El Paso Electric Company for the purpose of providing electrical service to the Westside Sports Complex. Said property being more particularly described as a portion of Tract 1A, Nellie D. Mundy Survey No. 240, El Paso County, Texas.

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3E.

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

That the City Manager be authorized to sign and accept a Drainage Easement from Nick J. Delgado and Guadalupe H. Delgado for a 0.027 acre parcel of land, more or less, out of a portion of Lot 4, Block 21, Brentwood Heights (Book 5, Page 56, Plat Records, El Paso County, Texas) City of El Paso, El Paso County Texas.

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3F.

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

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Auto Burglary & Theft Task Force be operated for the time period of September 1, 2008, to August 31, 2009, year; and

WHEREAS, the El Paso City Council agrees to provide the applicable matching funds for the said project as required by the Texas Auto Burglary & Theft Prevention Authority grant application; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Texas Auto Burglary & Theft Prevention Authority funds, the El Paso City Council assures that the funds will be returned to the Texas Auto Burglary & Theft Prevention Authority in full; and

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official, who is given the power to apply for, accept, reject, alter, terminate, or 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 Auto Burglary & Theft Task Force to the Texas Auto Burglary & Theft Prevention Authority.
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 \$1,311,462 from the El Paso Police Department to the Texas Auto Burglary & Theft Prevention Authority, for the purpose of continuing the efforts of the Auto Burglary & Theft Task Force.
3. The City of El Paso agrees to provide a cash match in the amount of \$265,060 and an in-kind match of \$1,277,903.
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.
5. That the City Manager be authorized to request and accept an extension of the award ending date for the grant.

6. That grant officials be as designated in the agreement.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, and Police Lieutenant Mark Medina commented.

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4A. BOARD RE-APPOINTMENT

Lance Ruck to the Civil Service Commission by Representative Melina Castro, District 4.

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

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

Mr. Lance Ruck and Mr. Elijah Graham commented.

1ST MOTION

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

2ND MOTION

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:02 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).

3RD MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **ADJOURN** the Executive Session at 10:08 a.m. and **RECONVENE** the meeting of the City Council.

4TH MOTION

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

5TH AND FINAL MOTION

Motion made by Representative Castro and seconded by Representative Holguin to **RE-APPOINT** Lance Ruck to the Civil Service Commission by Representative Melina Castro, District 4. **THE MOTION FAILED.**

Ayes: Representatives Castro, Quintana, and Holguin

Nays: Representatives Lilly, Byrd, Ortega, and O'Rourke
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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard D. Pineda to the Ethics Review Commission by Representative Ann Morgan Lilly, District 1.

5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Amanda L. Gonzalez to the Animal Shelter Advisory Board by Representative Rachel Quintana, District 5.

6. APPLICATIONS FOR TAX REFUND

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

- A. Commercial Escrow in the amount of \$2,855.99 overpayment of 2007 taxes. (PID #A462-999-0180-4600).
- B. Desert Ridge Constructors in the amount of \$4,245.21 overpayment of 2007 taxes. (PID #A462-999-1510-6100).
- C. Desert Ridge Constructors amount of \$6,798.05 overpayment of 2007 taxes. (PID #A462-999-1690-4100).
- D. Commercial Escrow in the amount of \$4,677.44 overpayment of 2007 taxes. (PID #C518-999-0730-4900).
- E. Washington Mutual in the amount of \$4,773.46 overpayment of 2007 taxes. (PID #C801-999-0060-3400).
- F. Cash Investments, Inc. in the amount of \$2,708.45 overpayment of 2007 taxes. (PID #F524-999-0100-3600).
- G. Victor Lazos in the amount of \$2,990.73 overpayment of 2007 taxes. (PID #F634-999-0030-0800).
- H. Commercial Escrow in the amount of \$2,996.46 overpayment of 2007 taxes. (PID #M635-002-0040-1900).
- I. Sylvester Price in the amount of \$3,138.82 overpayment of 2007 taxes. (PID #R220-000-0030-1500).
- J. Jose M. Zamudio in the amount of \$2,679.64 overpayment of 2007 taxes. (PID #R520-000-0000-0100).
- K. PHH Mortgage in the amount of \$11,563.20 overpayment of 2007 taxes. (PID #S332-999-0030-2200).
- L. D L & Jewel McElroy in the amount of \$6,461.49 overpayment of 2007 taxes. (PID #S533-000-0030-1300).

- M. Stewart Title in the amount of \$3,056.99 overpayment of 2007 taxes. (PID #S658-999-0040-2400).
- N. Countrywide Tax Service Corporation in the amount of \$2,856.06 overpayment of 2007 taxes. (PID #S804-999-0400-4900).
- O. Washington Mutual in the amount of \$3,015.66 overpayment of 2007 taxes. (PID #T287-999-0180-1900).
- P. C.E. Bassett 1, L. P., in the amount of \$208,919.85 overpayment of 2005 taxes. (PID #B220-999-0010-2100).
- Q. Cash Investments, Inc., in the amount of \$2,825.95 overpayment of 2007 taxes. (PID #T287-999-0380-4800).
- R. Hector I. & Salvador D. Reyes in the amount of \$28,894.21 overpayment of 2007 taxes. (PID #F607-999-0700-2900).
- S. City Mortgage in the amount of \$5,173.19 overpayment of 2007 taxes. (PID #T287-999-0450-0100).
- T. Cash Investments, Inc., in the amount of \$3,286.98 overpayment of 2007 taxes. (PID #Y805-999-035B-0249)
- U. Carlos & Rosa Lara in the amount of 3,714.46 overpayment of 2007 taxes. (PID #V927-999-0200-2000)..

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7A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services be authorized to issue a purchase order to Oracle Corporation in the amount of \$364,118.61. Oracle Corporation a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018 for software support and services for the PeopleSoft Financial, Asset Management, and Human Capital Management modules. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
 Account No.: 39010351 – 502202 – 01101
 Funding Source: Information Services, Data Processing Contracts,
 Operation Account
 Total Estimated Award: \$364,118.61
 Reference No.: 2008-172

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7B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services be authorized to issue a purchase order to Road Machinery, LLC, the sole source provider of parts and services for Komatsu construction equipment. Total estimated annual amount is \$100,000. Total estimated three-year award is \$300,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
 Annual Estimated Amount: \$100,000
 Account No.: 37370510 – 503125 – 45202
 Funding Source: General Services Department, Fleet Division
 Internal Fund
 Total Estimated Award: \$300,000 (3-year total)
 Sole Source No.: 2007-213

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8. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-110 (Art Work Appraisal Services) to Art International Resources, LLC for a total amount of \$64,135.

Department: Museums & Cultural Affairs
 Award to: Art International Resources, LLC
 Westminster, CO
 Items: Base Bid I: All
 Account No.: 99010273 – 502101 – 01101
 Funding Source: Special Items, General Fund, Appraisal Services
 Total Award: \$64,135

This is a fixed-price, single (one-time) purchase for services to provide current fair market values for 500 of the most valuable works in the permanent collection of the El Paso Museum of Art.

The Departments of Financial Services, Purchasing Division, and Museums and Cultural Affairs recommend award as indicated to the vendor offering the best value bid.

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9. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-152 (Grounds Maintenance – City Facilities) to Evergreen Lawn Service for a total estimated award of \$150,000.

Department: General Services
 Award to: Evergreen Lawn Service
 El Paso, TX
 Items: All
 Options: 2 years
 Annual Estimated Amount: \$50,000
 Account No.: 31010325 – 502221 – 01101 and
 31010326 – 502221 – 01101
 Funding Source: General Services Department/
 Facilities Maintenance Division
 Total Estimated Award: \$150,000 (3-year total)

This is a 36-month requirements type contract for Grounds Maintenance - City Facilities.

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

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

Representative Byrd commented.

Mr. Terrence Freiburg, Purchasing Manager, and Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, commented.

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10. INTRODUCTIONS

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow-Away-Zone), Subsection (A), of the El Paso City Code by deleting a portion of Pine Springs Drive. The penalty being as provided in Section 12.88.180 of the El Paso City Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restriction on Parking in Residential Districts), of the El Paso City Code to add Zone S: No Parking 9:00 p.m. - 2:00 a.m., on Mettler Drive, from Hawkins Boulevard to Cessna Drive and Hopewell Drive, from Hawkins Boulevard to Cessna Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

ADDITION TO THE AGENDA 2

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.100 (Parking Prohibited for Certain Vehicles), of the El Paso City Code to prohibit parking of certain vehicles within the confines of Cotton Street to the west; Paisano Street to the south and Texas Avenue to the north; and Piedras Street to the east. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MAY 13, 2008, FOR ITEMS A – B AND ADDITION 2

- C. An Ordinance changing the zoning of all of Lot 1, Block 54, East Glen Addition, Unit 4, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment Office/Special Contract to C-1/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- D. An Ordinance changing the zoning of Blocks I, J, W, X, Z and Lots 5 - 10 and 16 - 22, Block H, Santa Fe Addition, and all of Block 62, and Lots 1 - 15, Block 128, and all of Lots 1 - 18, and portions of Lots 19 and 20, and the alley in Block 43, and portions of Lots 4 - 10, Block 42, Campbell Addition, City of El Paso, El Paso County, Texas, from C-4 (Commercial), C-4/H (Commercial/Historic), C-4/H/SP (Commercial/Historic/Special Permit), and M-2 (Heavy Manufacturing) to GMU (General Mixed Use) and GMU/H (General Mixed Use/ Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: west of Santa Fe Street and north of the United States - Mexico border.

PUBLIC HEARING WILL BE HELD ON MAY 27, 2008, FOR ITEMS C – D

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11. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-092R (Workers' Compensation Third Party Administrator) to CAS – Claims Administrative Services, Inc., for a total amount of \$3,542,562.

Department: OMB/Insurance and Benefits
Award to: CAS – Claims Administrative Services, Inc.
Tyler, TX
Items: All
Option: Two years
Account No.: 99100255 – 502200 – 45122
Funding Source: OMB Benefits Administrator (TBA)
Total Award: \$3,542,562 (3 years)

The Departments of Financial Services, Purchasing Division, and Office of Management and Budget/Insurance and Benefits recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

Additionally, request authorization for City Attorney's Office to review and the City Manager of the City of El Paso be authorized to sign any contracts or documents required to effectuate this award.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mayor Cook commented.

Mr. David Almonte, Director of Office of Management and Budget, commented.

Ms. Kathleen Becker, Branch Manager of Nova Pro Risk, commented.

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12A. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance granting Special Permit No. ZON07-00166 to allow for a parking reduction on the property described as Lots 5, 6, 7, and 8, Block 8, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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ITEMS TAKEN TOGETHER:

12B.

ORDINANCE 16877

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS) TO PROVIDE FOR REDUCTIONS OF VARIOUS FEES FOR SPECIAL PERMITS, REZONING, AND DETAILED SITE DEVELOPMENT PLAN APPLICATIONS WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND NEIGHBORHOOD EMPOWERMENT ZONES THROUGH AUGUST 31, 2012; AND TO ELIMINATE THE FEE FOR PROCESSING ALL HISTORIC OVERLAY DESIGNATION APPLICATIONS REQUESTED BY THE PROPERTY OWNER.**

12C.

ORDINANCE 16878

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING FOUR CHAPTERS THERE UNDER TO PROVIDE FOR A REDUCTION OF THE FEES FOR APPLICATIONS REGARDING SUBDIVISIONS, DEDICATION AND VACATION OF CERTAIN PUBLIC RIGHTS-OF-WAY AND EASEMENTS, AND VACATION OF RECORDED SUBDIVISIONS PERTAINING TO PROPERTIES LOCATED WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE THROUGH AUGUST 31, 2012.**

12E.

ORDINANCE 16880

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO CITY CODE BY AMENDING CHAPTERS 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) AND 18.44 (GRADING) TO PROVIDE FOR REDUCTIONS OF VARIOUS FEES RELATING TO DEMOLITION AND CONSTRUCTION ON PROPERTIES LOCATED WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND NEIGHBORHOOD EMPOWERMENT ZONES THROUGH AUGUST 31, 2012.**

12F.

ORDINANCE 16881

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 5.94 (SIGN PERMIT FEES, LICENSES, AND BONDS), SUBSECTION 5.94.010A, TO PROVIDE FOR A REDUCTION OF THE PERMIT AND PLAN CHECKING FEES REGARDING SIGNS LOCATED WITHIN THE TAX INCREMENT REINVESTMENT ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE THROUGH AUGUST 31, 2012.**

Ms. Kathryn Dodson, Director of Economic Development, and Mr. Troy Ainsworth, Historic Preservation Officer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
2. Mr. Larry Nichols, Deputy Director of Building Permits and Inspections

Mr. Richard Schecter, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to take items 12B, 12C, 12E, and 12F **TOGETHER.**

2ND AND FINAL MOTION

Motion duly made by Representative Ortega, seconded by Representative Lilly, that the Ordinance be **ADOPTED, 12C AS AMENDED**. 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: Mayor Cook and Representatives Lilly, Byrd, and Ortega
NAYS: Representatives Castro, Quintana, and Holguin
ABSTAIN: Representative O'Rourke

Mayor Cook broke the tie, voting aye.

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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12D.

ORDINANCE 16879

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.20 (HISTORIC LANDMARK PRESERVATION), REVISING 20.20.080D, ADDING 20.20.080H, AND AMENDING SECTION 20.20.150 TO AUTHORIZE THE CREATION OF AREAS OF POTENTIAL EFFECT TO ENCOURAGE THE PRESERVATION OF HISTORIC PROPERTIES.**

Ms. Kathryn Dodson, Director of Economic Development, and Mr. Troy Ainsworth, Historic Preservation Officer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 2. Mr. Larry Nichols, Deputy Director of Building Permits and Inspections

Mr. Richard Schecter, citizen, commented.

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

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

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

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12G.

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 26, BLOCK 3, LAFAYETTE PLACE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Philip Etiwe, Development Review Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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

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12H.

ORDINANCE 16882

The City Clerk read an Ordinance entitled: **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 Ortega, Castro, O'Rourke, Holguin, Byrd, and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. John Neal, City Manager's Office
- 3. Mr. Ted Marquez, Engineering Division Manager
- 4. Ms. Patricia Aduato, Deputy City Manager of Development and Infrastructure Services

The following members of the public commented:

- 1. Mr. Charlie Wakeem
- 2. Mr. Richard Schechter
- 3. Mr. Ray Gilbert
- 4. Mr. Pete Hollen
- 5. Mr. Douglas Borrett
- 6. Mr. Ray Aduato, El Paso Association of Builders
- 7. Mr. Ray Mancera

1ST MOTION

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

2ND MOTION

Motion made by Representative Castro and seconded by Representative Holguin to **POSTPONE** the item for four weeks. **THE MOTION FAILED.**

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

3RD AND FINAL MOTION

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED, WITH THE AMENDMENTS INCLUDING SECTION 19.20.11 (INDEX FEE EVALUATED AT A MINIMUM OF EVERY THREE YEARS)**.. 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, Quintana, Holguin, Ortega, and O'Rourke
NAYS: Representative Castro

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

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13.

ORDINANCE 16883

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY OF EL PASO, TEXAS, AMENDING ORDINANCE NO. 016735 WHICH AUTHORIZED THE SALE AND CONVEYANCE OF 4,832.99 ACRES OF LAND, MORE OR LESS, OUT OF BLOCKS 80 AND 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO HUNT COMMUNITIES, LLC, TO REVISE THE DATE OF THE INITIAL CLOSING DATE FOR THE PURCHASE OF THE PHASE ONE PARCEL.**

Mr. Edmund G. Archuleta, President/Chief Executive Officer, El Paso Water Utilities Public Service Board, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega, O'Rourke, and Castro commented.

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

Mr. Bob Andron, General Counsel for El Paso Water Utilities, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 1:30 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **ADJOURN** the Executive Session at 1:47 p.m. and **RECONVENE** the meeting of the City Council.

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

3RD AND FINAL MOTION

Motion duly made by Representative Castro, seconded by Representative Ortega, that the Ordinance be **ADOPTED, WITH THE FLOOR AMENDMENTS ADDED, AND IF HUNT COMMUNITIES DOES NOT**

CLOSE BY SEPTEMBER 29, 2008, THEY WILL BE CONSIDERED TO BE IN DEFAULT AS LONG AS THE DEFAULT IS NOT CAUSED BY THE CITY OF EL PASO. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

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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14.

ORDINANCE 16884

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.04 (PROPERTY TAXES), 3.04.035 (EXEMPTION - HISTORICALLY SIGNIFICANT SITES), OF THE EL PASO CITY CODE TO MAKE AREAS OF POTENTIAL EFFECT ELIGIBLE FOR THE EXEMPTION; CLARIFYING THE APPLICATION PROCESS; AND REVISING THE ELIGIBILITY AND VERIFICATION PROCESS AND PROCEDURES.**

Ms. Kathryn Dodson, Director of Economic Development, and Mr. Troy Ainsworth, Historic Preservation Officer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 2. Mr. Larry Nichols, Deputy Director of Building Permits and Inspections

Mr. Richard Schecter, citizen, commented.

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

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

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

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15. COMMUNITY AND HUMAN DEVELOPMENT

Public Hearing and discussion and action on the adoption of the Proposed Budgets for the 34th Year (2008-2009) Community Development Block Grant Program, the FY 2008 Emergency Shelter Grant Program, the FY 2008 HOME Investment Partnerships Program.

Mayor Cook and Representative Holguin commented.

Mr. William Lilly, Community and Human Development Director, commented.

Mr. James Welshimer, Community Development Steering Community, commented.

Ms. Elva Villagran, citizen, commented.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **CLOSE THE PUBLIC HEARING.**

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16.

R E S O L U T I O N

1. That, having conducted a public hearing in order to receive public comment, the City Council hereby adopts the Proposed Budgets for the 34th Year (2008-2009) Community Development Block Grant Program, the FY 2008 Emergency Shelter Grant Program, and the FY 2008 HOME Investment Partnerships Program, all attached hereto as Exhibit "A"; and

2. That the City Council directs that the Proposed Budgets for the 34th Year Community Development Block Grant Program, the FY 2008 Emergency Shelter Grant Program, and the FY 2008 HOME Investment Partnerships Program be published in the El Paso Times on Sunday, May 11, 2008, to provide the public with an opportunity to review the Proposed Budgets, as part of the summary of the Proposed Annual Action Plan for 2008-2009, 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 13, 2008. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 24, 2008, for the purpose of receiving comments from the public and adopting the Annual Action Plan, including the 34th Year (2008-2009) Community Development Block Grant Program Budget, the FY 2008 Emergency Shelter Grant Program Budget and the FY 2008 HOME Investment Partnerships Program Budget, for submission to the U.S. Department of Housing and Urban Development.

Mayor Cook and Representative Quintana commented.

Representative Holguin read into the record that he does not support EPISO or Project Arriba.

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

AYES: Representatives Lilly, Byrd, Castro, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke

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17. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action on creating a tow away zone that prohibits parking and loading on city right-of-way on several locations in the Magoffin neighborhood.

18.

R E S O L U T I O N

WHEREAS, Hacienda Del Rio Partners, LP is the owner of record of the real property described in Exhibit "A", which is attached hereto and made a part hereof (which real property is hereinafter referred to as the "Property"), and which Property is not within the corporate limits of any municipality and is not yet contiguous to the corporate limits of the City; and,

WHEREAS, Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the Property is not contiguous to the City and cannot be annexed at this time.

WHEREAS, Owner, after full consideration, accepts the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the Agreement; and,

WHEREAS, the City, after due and careful consideration, has concluded that the terms and conditions hereinafter set forth is in the best interest of the City to protect and provide for the public health, safety, morals and general welfare; and,

WHEREAS, the PSB, after due and careful consideration, has concluded that the supply of water and wastewater to the Property on the terms and conditions hereinafter set forth is in the best interest of the PSB; and the PSB's role is further set forth in this Agreement, and includes the provision, regulation, and connection of the water and wastewater system and rates inside and outside of the City, to protect and provide for the public health, safety, morals and general welfare; and,

WHEREAS, the parties desire to utilize the provisions of Subchapter G, Chapter 212, Local Government Code to agree on such matters as the method and timing of annexation, the regulations that are to be applicable to the Property before and after annexation, the provision of services to the Property, and related matters.

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

That the City Manager be authorized to sign a Development Agreement by and between the City, PSB, and Hacienda Del Rio Partners, LP to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's West Extraterritorial Jurisdiction and containing 80.65 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board.

Mayor Cook and Representatives Byrd, Lilly, O'Rourke, and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Philip Etiwe, Development Review Manager
3. Ms. Patricia Aduato, Deputy City Manager of Development and Infrastructure Services
4. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
5. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Edmund G. Archuleta, President/Chief Executive Officer, El Paso Water Utilities Public Service Board, commented.

The following members of the public commented:

1. Mr. Conrad Conde, representing the applicant
2. Mr. Ray Gilbert

1ST MOTION

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

2ND AND FINAL MOTION

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

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ADDITION TO THE AGENDA

1. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the appointment of Paul E. Harrington to the Ethics Review Commission by Representative Eddie Holguin Jr., District 6.

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Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** this meeting at 2:15 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk