

**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  
MAY 8, 2007  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Jose Alexandro Lozano at 8:39 a.m. and Ann Morgan Lilly at 8:44 a.m. during Executive Session deliberations. Early departures: Presi Ortega, Jr. at 2:01 p.m., Melina Castro at 3:00 p.m., and Jose Alexandro Lozano at 3:03 p.m. Absent: Eddie Holguin, Jr. requested to be excused. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. AMERICORPS AWARENESS WEEK**
- 2. NATIONAL NURSES WEEK**
- 3. NATIONAL ASSOCIATION OF LETTER CARRIERS**
- 4. UTEP WOMEN'S SOFTBALL TEAM DAY**

**RECOGNITIONS**

**VOLUNTEER INCOME TAX ASSISTANCE PROGRAM**

**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. Dr. Rick Bonart
- 2. Mr. Walt Phillips
- 3. Mr. Richard Schechter
- 4. Mr. Ray Gilbert

Mayor Cook and Representative Byrd commented.

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

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Dr. Bonart an additional two minutes to address the Council.

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

ABSENT: Representative Holguin

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, 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 item listed on the Agenda.

AYES: Representatives Byrd, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and Lozano

ABSENT: Representative Holguin

Motion made by Representative 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: Representative Castro

ABSENT: Representative Holguin

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**EX1.** Claim of Lorenzo Guel, Our File No. 07-C-019. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **DENY** claimant's settlement demand in the claim of Lorenzo Guel, Our File No. 07-C-019.  
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**EX2.** Airport Business Center vs. City of El Paso; Cause No. 2003-1652. (551.071)

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

**EX3.** Alfred Corona vs. City of El Paso; Cause No. 2003-5296. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **POSTPONE** the item for one week.

**EX4.** Legal issues regarding the representation of the El Paso City-County Health and Environmental District concerning contracts and agreements between the City and the Health District. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried that the City **WAIVE** any conflict of interest on behalf of the City of El Paso in relation to all legal work required by the El Paso City-County Health and Environmental District in connection with contracts or Interlocal Governmental Agreements by and between the City and the District where S. Anthony Safi or the law firm of Mounce, Green, Myers, Safi, Paxson, and Galatzan, P.C is representing the District.

**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and 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, Presi Ortega, Jr., Steve Ortega, and O'Rourke
- NAYS: Representative Castro
- NOT PRESENT FOR THE VOTE: Representative Lozano
- ABSENT: Representative Holguin

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 1, 2007.

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

\*Motion made, seconded, and carried to **EXCUSE** Representative Holguin from the Regular Council Meeting of May 8, 2007.

**3A.**

**\*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 execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and SBC Internet Services, Inc., a California Corporation ("Applicant"), in relation to the Applicant's development of a Technical Service Support Center in El Paso, Texas.

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 expend additional available funding in the amount of \$368,489.70 to Dantex Construction Company to fund additional labor and materials for Contract Number 2006-145, El Paso Zoo Western Expansion Project.

Mayor Cook and Representatives Steve Ortega and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Rick Talamo, Capital Projects Manager, commented.

Mr. Ray Gilbert, citizen, commented.

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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:**

That the City expend additional available funding in the amount of \$58,250 to Dantex Construction Company to fund additional labor and materials for Contract Number 2004-092, El Paso Zoo New Support Facilities Project.

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Rick Talamo, Capital Projects Manager, 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:**

That the City Manager is hereby authorized to sign an amendment to an Agreement for engineering services between the City of El Paso and Parkhill, Smith & Cooper, Inc., a Texas Corporation, entered into on February 15, 2005, for a project known as "San Antonio Avenue Street and Drainage Improvements Phase II" for an amount not to exceed seven thousand dollars (\$7,000.00).

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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 City Manager is hereby authorized to sign an agreement for Consulting Services [Cebada Interstate 10 Master Drainage Improvements] by and between the City of El Paso and Brock & Bustillos, Inc., a Texas Corporation, for an amount not to exceed two hundred sixty six thousand six hundred sixty four dollars (\$266,664.00).

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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 City Manager be authorized to sign an Interlocal Agreement between the City and The University of Texas at El Paso to provide services to develop a geographic information system (GIS) layer for storm water drainage infrastructure assets, a GIS visualization tool for tracking surface runoff within the City, a GIS layer for traffic signals, and a GIS layer for fiber optics conduit systems. The total cost for services rendered under the Agreement shall not exceed one hundred and six thousand fifteen and no/100 dollars (\$106,015.00).

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

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, Interim City Engineer, commented.

Mr. Ray Gilbert, citizen, commented.

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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 expend additional available funding in the amount of \$76,237.00 to Dantex Construction Company to fund additional labor and materials for Contract Number 2006-145, El Paso Zoo Western Expansion Project.

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Rick Talamo, Capital Projects Manager, commented.

Mr. Ray Gilbert, citizen, commented.

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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:**

That the City Manager be authorized to sign a letter of understanding by and between the City of El Paso and KPMG, LLP, for auditing services in conjunction with the City's audit for the fiscal year ended August 31, 2007.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, commented.

Mr. Ray Gilbert, citizen, commented.

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**3I. RESOLUTION**

A Resolution authorizing the City Manager to sign a lease agreement with J.C. & G.D. Investment Co. Inc. to lease 5150 Montana being 8,000 sq. ft. office space in the Chelmont Shopping Center to house the Consolidated Tax Office operations.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Gonzalo Cedillos, Capital Assets Manager
- 3. Mr. Juan Sandoval, Tax Assessor/Collector

Mr. Richard Schechter, citizen, commented.

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

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

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

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

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

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **DELETE** the item.

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

**3J.**

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

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

**WHEREAS**, Section 271.102(a) [Cooperative Purchasing Program Participation] of the Texas Local Government Code allows a local government to participate in a cooperative purchasing program with another local government or a local cooperative organization. Section 271.102(c) provides that a local government that purchases goods or services under Subchapter F [Cooperative Purchasing Program] of the Local Government Code satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services;

**WHEREAS**, the City desires to participate in the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program (the "Program"). The purpose of this cooperative is to obtain substantial savings for public entities through volume purchasing; and

**WHEREAS**, the City has reviewed the benefits of participating in the Program and based on this review has concluded that the Program will benefit City of El Paso taxpayers through anticipated procurement savings.

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

That the City is hereby authorized to participate in the Program; and

That the City Manager is hereby authorized to execute any and all documents which are necessary to effectuate the intent of this resolution including but not limited to an interlocal agreement.

Mayor Cook and Representatives Castro and Steve Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

Mr. Richard Schechter, citizen, commented.

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

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

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

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

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

NAYS: Representative Castro

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

ABSENT: Representative Holguin

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**4. REINSTATEMENT**

\*Motion made, seconded, and 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:

Santillan, Fernando – General Services Worker  
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**5A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and carried to **RE-APPOINT** Willie Padilla, Jr. to the City Accessibility Advisory Committee by Representative Susie Byrd, District 2.  
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**5B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and carried to **RE-APPOINT** Eunice J. Todd to the El Paso Mountain Committee by Representative Susie Byrd, District 2.  
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**6A. BOARD APPOINTMENT**

\*Motion made, seconded, and carried to **APPOINT** Delia Chavez to the Fair Housing Task Force by Representative Beto O'Rourke, District 8.  
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**6B. BOARD APPOINTMENT**

\*Motion made, seconded, and carried to **APPOINT** Rocio Hinojosa to the Community Development Steering Committee by Representative Susie Byrd, District 2.

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**6C. BOARD APPOINTMENT**

\*Motion made, seconded, and carried to **APPOINT** Michael S. Schwartz to fill an unexpired term on the Information Technology Advisory Board by Representative Presi Ortega, Jr., District 5.

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**6D. BOARD APPOINTMENT**

\*Motion made, seconded, and carried to **APPOINT** Rene Jamis to the City Accessibility Advisory Board by Representative Ann Morgan Lilly, District 1.

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**6E. BOARD APPOINTMENT**

\*Motion made, seconded, and carried to **APPOINT** Patricia Walker Apostolides to the Brownfields Redevelopment Board by Representative Susie Byrd, District 2.

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**7. DISCRETIONARY FUNDS**

\*Motion made, seconded, and carried to **APPROVE** authorization to expend District 2 discretionary funds, Council Special Projects, Department ID No. 01010002, Account No. 502215, Fund No. 01101, in an amount not to exceed \$3,000 to be used for planting of trees in District 2 parks.

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**8. DEVELOPMENT AND INFRASTRUCTURE SERVICES**

\*Motion made, seconded, and carried to **APPROVE** Council Ratification of the Storm 2006 construction contract listed. Such contract was entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

Storm 2006 Infrastructure Repair/Reconstruction Progress Update May 8, 2007

Construction

Dan Williams Company for additional work on Drainage Channel Restorations and Cleaning. The original Contract was awarded in the amount of \$1,799,950 on December 12, 2006. A construction quantity increase of \$200,000 will allow completion of the remaining scope of the project.

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**9A. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-129 (Interior/Exterior Painting-Variou City Buildings) to Lomeli Construction for a total estimated award of \$200,000.

Department: General Services  
Award to: Lomeli Construction  
El Paso, Texas  
Items: 1 and 2  
Option: 12 months  
Annual Estimated Amount: \$100,000  
Account No.: 31010326 – 01101 - 502226  
Funding Source: Operating Account, Building Facilities Maintenance

Contracts, Citywide Building Maintenance  
Total Estimated Award: \$200,000

This is a twenty-four months service requirements contract.

The Departments of Financial Services and General Services Department recommend award as indicated to the vendor offering the best value bid.

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**9B. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-093 (Traffic Signal Priority Control System, Infrared Activated, Data-Encoded) to Tri-State Electric, Ltd. for a total estimated award of \$95,789.07.

Department: Fire  
Award to: Tri-State Electric, Ltd.  
El Paso, Texas  
Items: 1 through 27  
Option: Vendor offers the City the option to extend the term of the contract at the same unit price for an additional two year period if the option is exercised within two years from the date of award.  
Account No.: 71150069 – 07863 - 508027 – 22000 - G7132CD0018  
Funding Source: CDBG Capital Projects Renovation  
Total Estimated Award: \$95,789.07

This is a requirements type contract with an initial term of two years.

The Departments of Financial Services and Fire recommend award as indicated to the vendor offering the best value bid.

Ms. Lisa Turner, citizen, commented.

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**10. REQUEST FOR PROPOSAL**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-141R (Point of Sale Software & Hardware-Furnish & Install) to Integrated Business Systems, Inc. for a total estimated award of \$40,535.64.

Department: Aviation  
Award to: Integrated Business Systems, Inc.  
Richmond, VA  
Items: All  
Account No.: 62620026 – 508027 – 41063 - PAP0023  
Funding Source: EPIA Enterprise Funds  
Total Estimated Award: \$40,535.64  
District: 3

The Review Committee recommends award as indicated. Integrated Business Systems, Inc. submitted the highest ranked and best proposal to meet the needs of the City.

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**11A. BID**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-078 (Auctioneering Services) to Larry Otten Auctioneers for a total estimated revenue amount of \$250,000.

Department: Capital Assets-Property Control  
Award to: Larry Otten Auctioneers  
Clint, TX  
Items: 1 and 2  
Option: 12 months  
Annual Estimated Revenue: \$50,000  
Account No.: Revenue  
Funding Source: Revenue  
Total Estimated Revenue: \$250,000 (5 years)

This is a five year service requirements contract.

The Departments of Financial Services and Capital Assets, Property Control, recommend award as indicated above.

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**11B. BID**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-150 (Fred Wilson Road Bridge Repair) to Gibson & Associates, Inc. in the amount of \$257,000.

Department: Street  
Award to: Gibson & Associates, Inc.  
Balch Springs, Texas  
Base Bid I: \$257,000  
Account No. PBR07001 – 31136001 – 27146 - 508027  
PBR07001 – 31136001 – 27147 -508027  
Funding Source: Certificates of Obligation 1998B  
Total Award: \$257,000

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 part of the award of this contract, the City Engineer or interim City Engineer is authorized to approve contract changes which are necessary for proper construction 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 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract.

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

Mr. Ray Gilbert, citizen, commented.

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**11C. BID**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-157 (Murphy Beds-Furnish & Install) to Arrow Building Corporation for a total estimated award of \$62,400.

Department: Aviation  
Award to: Arrow Building Corporation  
El Paso, Texas  
Item: 1  
Account No.: 62620029 – 508027 – 41081 - PAP0041  
Funding Source: EPIA Enterprise Funds  
Total Estimated Award: \$62,400  
This is a fixed-price, single (one-time) purchase.

The Department of Aviation and the Financial Services Department recommend award as indicated to the lowest responsive, responsible bidder.

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**11D. BID**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-139 (Booster Pump Replacement @ San Diego Pump Station - Furnish & Install) to Keltic, Inc., dba C.L. North Company, for a total estimated award of \$59,500.

Department: General Services-Maintenance Division  
Award to: Keltic, Inc. dba C.L. North Company  
El Paso, Texas  
Item: 1  
Option: Vendor offers an option to purchase up to 100% of the original contract quantities at the same unit price if the option is exercised within ninety days from the date of award of the contract. No prompt payment discount was offered.  
Account No.: 502226 – 01101 - 31010328  
Funding Source: General Services Department, Building Maintenance Division  
Total Estimated Award: \$59,500

This is a fixed-price, single (one-time) purchase.

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

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**11E. BID**

\*Motion made, seconded, and carried to **AWARD** Solicitation No. 2007-134 (Forensic Laser System [Portable]) to Newport Corporation for a total award of \$39,000.

Department: Police  
Award to: Newport Corporation  
Mountain View, CA  
Item: 1  
Option: Vendor offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract.  
Account No.: 21150060 – 16411 – 508007 - P500232  
Funding Source: State Confiscated Funds/Public Safety Equipment

Total Award: \$39,000

This is a fixed-price, single (one-time) purchase.

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

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**12A. – 12D. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, 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 vacating the portion of the alley consisting of a twenty foot wide alley within Block 262 Campbell Addition, City of El Paso, El Paso County, Texas. Subject Property: North of Yandell Drive and West of Ochoa Street. Applicant: Watchtower of the Rio Grande. SUB06-00131
- B. An Ordinance vacating a portion of Walnut Street Right-of-Way adjacent to lot 16, Block 9, Cotton Addition, City of El Paso, El Paso County, Texas. Subject property: Northwest corner of intersection of Wyoming Street and Walnut Street. Applicant: Dr. Lyndon E. Mansfield.
- C. An Ordinance granting a special privilege to the New Old Plantation to temporarily close a portion of Ochoa Street for various street events to be held on the following dates: May 27, 2007, June 24, 2007, July 3, 2007, September 2, 2007, and October 31, 2007. (Fee: \$687.50) SPL07-00005.
- D. An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12090A. (Bonus Reduction Applicability) to prohibit applicability in underserved park zones, to add a requirement concerning necessary improvements, and to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development and amending Subsection 19.12.120 (Applicability) to address the applicability of the amendment, the penalty being as provided in Section 19.04.190 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MAY 22, 2007, FOR ITEMS A – D**

NOT PRESENT FOR THE VOTE: Representative Lozano

ABSENT: Representative Holguin  
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ITEMS TAKEN TOGETHER:

13A.

**ORDINANCE 16620**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$35,000,000; PROVIDING FOR THE PAYMENT, TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES AND PROVIDING AN EFFECTIVE DATE.**

13B.

**ORDINANCE 16621**

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF EL PASO, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2007A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$40,000,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING A PURCHASE CONTRACT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO.**

Mr. Hector Zavaleta, Senior Vice President of First Southwest Company, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Presi Ortega, Jr., Steve Ortega, O'Rourke, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
- 3. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer

Mr. Paul Braden, Bond Counsel, commented.

Mr. Ray Gilbert, citizen, commented.

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, that the Ordinances be **ADOPTED, WITH UPDATED CHANGES**. 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, Presi Ortega, Jr., Steve Ortega, and O'Rourke  
 NAYS: None  
 NOT PRESENT FOR THE VOTE: Representative Castro  
 ABSENT: Representative Holguin

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

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14A.

**ORDINANCE 16622**

The City Clerk read an Ordinance entitled: **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.**

Mayor Cook and Representatives Lilly and Steve Ortega commented.

Ms. Maria Trunk, Frontera Land Alliance, 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, Castro, Steve Ortega, and O'Rourke

NAYS: None

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

ABSENT: Representative 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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**14B. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2, and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Representative Castro commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kelly Carpenter, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Conrad Conde, representing applicant, and Mr. Pat Rocha, General Manager of Bruce Foods, commented.

Motion made by Representative Castro, seconded by Representative Lozano, and unanimously carried to **POSTPONE** the item for one week.

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

14C.

**ORDINANCE 16623**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 26 AND PORTIONS OF LOTS 25 AND 27, BLOCK 91, EAST EL PASO SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

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

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, that the Ordinance be **ADOPTED WITH CONDITION IMPOSED BY THE CITY PLANNING COMMISSION.** 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: Representative Presi Ortega, Jr.,  
ABSENT: Representative 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 WITH CONDITION IMPOSED BY THE CITY PLANNING COMMISSION.**

.....  
14D.

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

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

**WHEREAS**, Rio Valley LLC, is the owner of record of the real property (the "Property"), and which Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City; and,

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

**WHEREAS**, Owners, after full consideration, accept the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the annexation of the Property; and,

**WHEREAS**, the City, after due and careful consideration, has concluded that the annexation of the Property on 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 annexation of and 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 Rio Valley LLC, 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 62.63 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.

Representatives Lilly and Steve Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Ms. Kelly Carpenter, Deputy Director of Planning

Mr. Richard Schechter, citizen, commented.

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

Motion made by Representative Lilly, seconded by Representative O’Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Schechter to address the Council after the sign-up period.

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

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

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

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

.....  
**15.**

**ORDINANCE 16624**

The City Clerk read an Ordinance entitled: **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.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.
4. Assistant Police Chief Diana Kirk
5. Sgt. Armando Castaneda, El Paso Police Department Vice Squad

The following members of the public commented spoke against the Ordinance:

1. Mr. Salvador Gomez
2. Mr. Charles Robert, Attorney
3. Ms. Lisa Turner
4. Mr. Mishaun Binford, Attorney
5. Mr. Kevin Richardson
6. Ms. Jeannie Coutta
7. Mr. Ray Melton
8. Mr. Justin Moody
9. Mr. Jim DeeGear

The following members of the public commented spoke in favor of the Ordinance:

1. Mr. Larry Wilkins
2. Ms. Gilda Moriel
3. Mr. Randy Graham
4. Mr. Malcolm McGregor
5. Ms. Elizabeth Branham
6. Mr. Roger O'Dell

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

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

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

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:30 a.m.

NOT PRESENT FOR THE VOTE: Representative Castro

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

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 10:52 a.m. and **RECONVENE** the meeting of the City Council.

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

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

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

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

Motion made by Representative Lozano, seconded by Representative Castro, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Binford an additional minute to address the Council.

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., and O'Rourke

NAYS: Representatives Lilly and Steve Ortega

ABSENT: Representative Holguin

**6<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Castro, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. O'Dell an additional three minutes to address the Council.

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., and O'Rourke

NAYS: Representatives Lilly and Steve Ortega

ABSENT: Representative Holguin

**7<sup>TH</sup> MOTION**

Motion made by Representative Castro, seconded by Representative Steve Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:09 p.m.

**8<sup>TH</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 12:23 p.m. and **RECONVENE** the meeting of the City Council.

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

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, that the Ordinance be **ADOPTED, 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: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: None

ABSENT: Representative 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 AMENDED**.

.....  
Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 12:26 p.m. in order to convene the Mass Transit Department Board Meeting.

.....  
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 1:16 p.m.

NOT PRESENT FOR THE VOTE: Representatives Byrd, Lozano, and Steve Ortega  
.....

16A.

**ORDINANCE 16625**

The City Clerk read an Ordinance entitled: **AN ORDINANCE DELETING CHAPTER 2.80 (CABLE COMMUNICATION COMMISSION) OF THE EL PASO CITY CODE TO ABOLISH THE CABLE COMMUNICATION COMMISSION.**

Motion duly made by Representative Steve Ortega, 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: Representative Presi Ortega, Jr.,  
ABSENT: Representative 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**.

.....  
16B.

**ORDINANCE 16626**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL THE SOUTH 20.5 FEET OF LOT 20, BLOCK 41, MAGOFFIN ADDITION, MORE COMMONLY KNOWN AS 820 TAYS ST., EL PASO, EL PASO COUNTY, TEXAS, TO OLGA CISNEROS.**

Motion duly made by Representative O'Rourke, 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 Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.  
ABSENT: Representative 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**.

.....  
17.

**ORDINANCE 16627**

The City Clerk read an Ordinance entitled: **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.**

Mayor Cook and Representative Byrd commented.  
Ms. Carol Brey-Casiano, Director of Libraries, commented.

Motion duly made by Representative Byrd, 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 Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.  
ABSENT: Representative 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**.

.....  
**18.**

**ORDINANCE 16628**

The City Clerk read an Ordinance entitled: **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.**

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: Representative Presi Ortega, Jr.  
ABSENT: Representative 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**.

.....  
**19. PUBLIC HEARING – COMMUNITY AND HUMAN DEVELOPMENT**

Public Hearing and discussion and action on the adoption of the Proposed Budgets for the 33<sup>rd</sup> Year (2007-2008) Community Development Block Grant Program, the FY 2007 Emergency Shelter Grant Program, the FY 2007 HOME Investment Partnerships Program.

Mr. William Lilly, Community and Human Development Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. James Welshimer, Community Development Block Grant Steering Committee, commented.

Mr. Jorge Almada, Central Neighborhood Association, and Mr. Marc Salazar, Project Volar, commented.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **CLOSE THE PUBLIC HEARING**.

20.

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

**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 33<sup>rd</sup> Year (2007-2008) Community Development Block Grant Program, the FY 2007 Emergency Shelter Grant Program, and the FY 2007 HOME Investment Partnerships Program, all attached hereto as exhibit "A"; and
  
2. That the City Council directs that the Proposed Budgets for the 33<sup>rd</sup> Year Community Development Block Grant Program, the FY 2006 Emergency Shelter Grant Program, and the FY 2007 HOME Investment Partnerships Program be published in the El Paso Times on Sunday, May 13, 2007, to provide the public with an opportunity to review the Proposed Budgets, as part of the summary of the Proposed Annual Action Plan for 2007-2008, 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 15, 2007. The City Council will conduct a public hearing in City Council Chambers during the regular City Council meeting on Tuesday, June 26, 2007, for the purpose of receiving comments from the public and adopting the Annual Action Plan, including the 33<sup>rd</sup> Year (2007-2008) Community Development Block Grant Program Budget, the FY 2007 Emergency Shelter Grant Program Budget and the FY 2007 HOME Investment Partnerships Program Budget, for submission to the U.S. Department of Housing and Urban Development.

Mayor Cook and Representative O'Rourke commented.

Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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

Motion made by Representative Lozano, seconded by Representative Lilly, and carried to **ADOPT** the 33<sup>rd</sup> Year (2007 – 2008) Community Development Block Grant Program Budget.

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

NAYS: None

ABSTAIN: Representative O'Rourke

ABSENT: Representative Holguin

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

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADOPT** the FY 2007 Emergency Shelter Grant Program Budget.

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

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **ADOPT** the FY 2007 HOME Investment Partnerships Program Budget.

.....

21.

**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 a Local Project Advance Funding Agreement (LPFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the replacement or rehabilitation of the Carolina Bridge.

Mayor Cook and Representatives Lozano and Steve Ortega commented.

Ms. Teresa Quezada, Engineering Capital Improvement Program Administrator, and Mr. Alan Shubert, Interim City Engineer, commented.

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

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

.....  
22A.

**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 of El Paso (the "City") is a political subdivision of the State of Texas, and is authorized and empowered under the laws of the State, particularly the Public Property Finance Act, Texas Loc. Gov't. Code Ann. §271.001 et seq. to lease, as lessee, to purchase and receive, and to control and dispose of personal property, whether movable or fixed, considered by the City to be necessary, useful or appropriate to one or more governmental purposes of the City;

**WHEREAS**, the City of El Paso has executed a Master Equipment Lease/Purchase Agreement dated as of November 3, 2006 (the "Master Lease") with Banc of America Public Capital Corp, assignee of Banc of America Leasing & Capital, LLC, (the "Bank") for the financing of up to \$10 million in principal amount associated with the acquisition of 35 transit buses for the Department of Mass Transit;

**WHEREAS**, the Mass Transit Department Board of the City has made a determination that the acquisition of additional buses and equipment is necessary, useful and appropriate for the mass transit needs of the City and that it wishes to finance such additional buses through an amendment, supplement or other modification to the Master Lease (the "Amendment") and has requested that the City move forward with the Amendment and additional lease/purchase acquisition;

**WHEREAS**, the City has determined that it is in the best interest of the City to enter into the Amendment to enable the City to finance the lease/purchase up to \$5,000,000 additional principal amount associated with the acquisition of the additional City buses (the "Equipment") with the intent that the interest portion of the rental payments on such lease be excluded from gross income for federal income tax purposes and, as security for such rental payments, the City has agreed to grant a first lien security interest in the Equipment to Bank, and to make payments as set forth in the Amendment, subject to annual appropriation, sufficient to pay both the principal and interest portion of such lease rental payments.

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

1. The declarations, determinations and findings declared, made and found in the recitals to this resolution are hereby adopted, restated and made a part of the operative provisions hereof. All prior actions and determinations of the Mass Transit Department Board of the City with respect to lease of the Equipment are hereby accepted, ratified and approved.
2. The City Council agrees to enter into the Amendment in order to finance acquisition of the Equipment in a principal amount of up to \$5,000,000 at an interest rate not to exceed 4.25% per annum and, in order to secure the Amendment, to grant a first lien security interest in the Equipment, in accordance with the Amendment and the Master Lease.
3. The Amendment shall be for a term not to exceed seven (7) years, and the rental payments for the Equipment shall be subject to appropriation from the revenues of the City's Mass Transit enterprise fund.
4. The City Manager is authorized to execute, acknowledge and deliver, in the name and on behalf of the City, the Amendment, including all attachments, financing statements and schedules thereto on terms consistent with this Resolution, with such changes, modifications and additions in form as the City Manager may deem necessary and appropriate; her execution of such agreement being conclusive evidence of such determination.
5. The lease of the Equipment is hereby approved. The City Manager or her designee is authorized to make replacements or otherwise substitute other similar equipment for any of the items so described or incorporated if necessary due to inability of a vendor to deliver an item of equipment, so long as such substitution of any item of equipment does not frustrate the purpose for which the Equipment is being leased or result in an increase in the amount required to be paid by the City for the Equipment, as provided in Section 2 hereof.
6. There is hereby authorized the continuing execution and delivery by the City Manager, the Deputy City Manager or their respective designees, in the name of and on behalf of the City, the Schedule A and Attachments to the Master Lease or Amendment, with such changes as the signing officer shall determine advisable and on terms consistent with this Resolution, and the execution thereof shall be conclusive as to such determination
7. The City Manager, the Deputy City Manager or their respective designees are authorized to execute, acknowledge and deliver, in the name and on behalf of the City, any other agreement, proposal letter, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into the Amendment and consummate the leasing of the Equipment in accordance with this Resolution and the Master Lease; the execution thereof by any such authorized officer shall be conclusive as to such determination.
8. This Resolution shall take effect immediately.

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

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

NAYS: Representative Castro

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

.....  
**22B. FINANCIAL SERVICES**

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **AWARD** Solicitation No. 2007-138R (Automatic Fingerprint Identification System [AFIS]) to Sagem Morpho, Inc. for a projected amount of \$915,000.

Department: Police  
Award to: Sagem Morpho, Inc.  
Tacoma, WA  
Items: All  
Account No.: 2150010-05834-502202-G21608 \$32,587  
2150010-05834-508020- G21608 \$230,000  
2150010-05835-508010-G210612 \$246,661  
2150010-05836-508010-G21613 \$246,661  
21150010-05930-508010-G210717 \$100,000  
21150010-05387-508010-G210614 \$59,091  
Funding Source: Federal Policing Grants-Accounts: Data Processing Services, Data Processing Equipment, Site Preparation (CWIP), Funds: TPA Grants, COPS AFIS, CMG AFIS  
Total Estimated Award: \$915,000

The Review Committee, based on evaluation factors established for this Request for Proposals (RFP), recommend award to Sagem Morpho, Inc.

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.

Representative Steve Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Assistant Police Chief Diana Kirk

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

**23. CITY MANAGER**

City Manager’s report of current events and issues:

Discussion and action on issues related to Storm 2006.

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

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

Ms. Joyce Wilson, City Manager, commented.

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

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:12 p.m.

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

APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk