

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 13, 2008
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Melina Castro, Rachel Quintana, and Steve Ortega. Late arrivals: Ann Morgan Lilly at 8:32 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:34 a.m. during Executive Session deliberations, and Beto O'Rourke at 8:40 a.m. during Executive Session deliberations. Early departure: Eddie Holguin, Jr. at 4:27 p.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

1. **LAW ENFORCEMENT TORCH RUN WEEK**
2. **NATIONAL PUBLIC WORKS WEEK**
3. **MARY ANN DODSON DAY**
4. **NATIONAL TOURISM WEEK**

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

.....
Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:31 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, Holguin, and O'Rourke

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
EX1. Claim of AGI Marketing Solutions, Our File No. 07-C-141. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and that the City Attorney and City Manager be authorized to sign all necessary documents, including mutual termination of all contracts, to resolve the claim of AGI Marketing Solutions, Our File No. 07-C-141.

Mr. Jim Singelyn, citizen, commented.

.....
CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 6, 2008.

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

NO ACTION was taken on this item.

.....
3A.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Trajen Flight Support, LP a/k/a Atlantic Aviation ("Lessee"), and Warren Green ("Sublessee") regarding a portion of the premises located at 1751 Shuttle Columbia, El Paso, Texas.

3B.

***RESOLUTION**

That the City Manager be authorized to sign an Air Cargo Building Lease Agreement by and between the City of El Paso ("Lessor") and Southwest Airlines Co. ("Lessee") for air cargo space at the El Paso International Airport through August 31, 2014.

3C.

***RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Southwest Airlines Co. for the purpose of extending the term to August 31, 2009 and replacing Exhibits A, B-1, and B-2.

3D.

***RESOLUTION**

WHEREAS, on August 24, 2005, the City of El Paso ("City") entered into a Golf Course Management Agreement with KemperSports Management, Inc. ("KemperSports") to provide development consulting, marketing and management through the construction, opening and operations of the Butterfield Trail Golf Club; and

WHEREAS, KemperSports provided recommendations for a rate structure and proposed policy for promotional rates, special hotel package rates and rates for tournament rounds to provide for flexibility in promoting and marketing the Butterfield Trail Golf Club throughout the year, which were adopted by the City via City Council Resolution dated April 3, 2007; and

WHEREAS, KemperSports has now submitted to the City a recommendation for the adoption of an additional promotional rate structure, to provide for an incentive for frequent guests to visit the Butterfield Trail Golf Club more often;

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

1. **THAT** KemperSports be given the authority to implement the following promotional rates for the ability to pre-purchase rounds of golf at the Butterfield Trail Golf Club:

6 Shooter Package	
Round Type	Sale Price (Tax Inc.)
Resident	\$266.76
Senior/Military	\$231.96
Tri County	\$320.88
Non-Resident	\$375.01

Golfers Dozen Package	
Round Type	Sale Price (Tax Inc.)
Resident	\$533.52
Senior/Military	\$463.93
Tri County	\$641.77
Non-Resident	\$750.02

2. **THAT** all other fees associated with the Department of Aviation as currently set forth in the FY 2007 budget resolution remain intact and are not modified by the present resolution.

Mayor Cook and Representatives Quintana and Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Pat Abeln, Director of Aviation, commented.

Mr. Val D'Souza, Interim General Manager for Butterfield Trail Golf Course, commented.

.....
3E.

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

WHEREAS, The County of El Paso, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition which requires City Plan Commission and City Council approval, to permit the construction and development of offices; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso Municipal Code.

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a retail shopping center on the following described property which is located in a C-3/H/SC (Commercial/Historic/Special Contract) and C-3/SC (Commercial/Special Contract) District:

Portions of Lot 9 and 10, Stevens Subdivision No. 1, City of El Paso, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A";

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-3/H/SC (Commercial/Historic/Special Contract) and C-3/SC (Commercial/Special Contract) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-3/H/SC (Commercial/Historic/Special Contract) and C-3/SC (Commercial/Special Contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four years from the date hereof.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Philip Etiwe, Development Review Manager, commented.

Mr. Richard Schechter, citizen, commented.

.....
3F.

***RESOLUTION**

That the City Manager be authorized to sign a two year Professional Services Agreement between the City of El Paso and Professional Service Industries, Inc., a Delaware Corporation, to perform consulting services for a project known as "Geotechnical and Material Testing" for a contract amount not to exceed \$400,000.

***RESOLUTION**

That the City Manager be authorized to sign a two year Professional Services Agreement between the City of El Paso and Licon Engineering Company Inc., a Texas Corporation, to perform consulting services for a project known as "Geotechnical and Material Testing" for a contract amount not to exceed \$400,000.

Mayor Cook and Representatives Castro, Holguin, Byrd, and Quintana commented.

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

Ms. Lisa Turner, citizen, commented.

.....
3G.

***RESOLUTION**

That the City Manager be authorized to sign and accept on behalf of the City a Right-of-Way Easement Dedication Deed from the Housing Authority of El Paso dedicating to the City a 10-foot wide right-of-way easement. The area will be used widen the right-of-way along Coronado Street and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

.....
3H.

RESOLUTION

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Ruben Vasquez and Julissa Vasquez for the purchase of a 1.4297 acre parcel of land, more or less, being a portion of Tract 72-D, S.A. & M.G. Railroad Company Survey No. 267, Abstract 179, City of El Paso, El Paso County, Texas.

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

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

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Lisa Turner
3. Mr. Ray Gilbert

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: Representatives Castro and Holguin

.....
4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Selena N. Solis to the Art Museum Advisory Board by Representative Susie Byrd, District 2.

.....
5A. BOARD APPOINTMENT

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

.....
5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the appointment of Elijah Graham to the Civil Service Commission by Representative Melina Castro, District 4.

Representative Castro commented.

.....
6. BEST VALUE PROCUREMENT

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **AWARD** Solicitation No. 2008-106 (Consultant Services for El Paso Fire Department) to Matrix Consulting Group for a total estimated award of \$135,000.

Department: Financial Services
Award to: Matrix Consulting Group
Palo Alto, CA
Items: All
Account No.: 99010273 – 504405 – 01101
Funding Source: Non-Departmental, General Account
Total Estimated Award: \$135,000

The Departments of Financial Services, Purchasing Division, and the Deputy City Manager, Financial and Administrative Services, recommend award to Matrix Consulting Group, the vendor offering the best value bid for these services.

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

NAYS: Representatives Castro and Holguin

Mayor Cook and Representatives Castro, Quintana, Ortega, and Holguin 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. Assistant Fire Chief Manuel Chavira
4. Mr. David Almonte, Director of the Office of Management and Budget

.....
7A. – 7F. INTRODUCTIONS

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

- A. An Ordinance changing the zoning of a portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas, from C-3/C (Commercial/Conditions) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- B. An Ordinance releasing a condition placed on property by Ordinance No. 15672, which changed the zoning of a portion of Tracts 1B4 and 1B4C, S.J. Larkin Survey No. 266, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- C. An Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.370 (Mountain Development), of the El Paso City Code by adding maximum permitted density standards in the PMD (Planned Mountain Development) zoning district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- D. An Ordinance changing the zoning of a portion of Lots 12 and 13, R. L. Dorbandt Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to P-R II (Planned Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- E. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Section 20.04.380 (Application Requirements), of the El Paso City Code to add a requirement for a traffic impact analysis for zoning applications. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- F. An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Section 20.04.550 (Maintenance), of the El Paso City Code to add a requirement that private streets meet City standards. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 3, 2008, FOR ITEMS 7A – 7F

NOT PRESENT FOR THE VOTE: Representative Byrd

.....
8A. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2008-147 (Salvador Rivas Park Improvements Phase II) to Accent Landscape Contractors, Inc., for an estimated total amount of \$613,933.70.

Department: Parks & Recreation
 Award to: Accent Landscape Contractors, Inc.
 El Paso, TX
 Items: Base Bid: \$597,368.69 (Total Lump Sum)
 Alternate V: \$16,565.01 (Total Estimated Unit Price)
 Account Nos.: 51159242 – 508027 – 16336 - P518000858 and
 99331117 – 508027 – 27263 - PCP06NA001D5A
 Funding Source: 2006 Certificates of Obligation & Park Dedication Funds
 Total Estimated Award: \$613,933.70

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.

1. Lump Sum Component

As part of the award of this contract, the 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.

2. Unit Price Component

Work under this unit price contract is only an estimated minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total of unit prices at the end of the contract term

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

This is a low bid, lump sum and unit-price contract.

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

Mayor Cook and Representative Quintana commented.

Mr. Alan Shubert, City Engineer, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

Mr. Ray Gilbert, citizen, commented.

.....
8B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services be authorized to issue a purchase order to Motorola, Inc., the current provider of the Public Safety 800MHz Voice and Data Radio System, for acquisition of the necessary hardware and services associated with Phase I of the P25 Digital Public Safety Radio System. Motorola, Inc. is the Houston-Galveston Area Council (H-GAC) contractor, under contract number RA01-06 (Radio Communication, Command & Control, and Interoperability Equipment). Award amount

\$3,334,961. The participation by the City of El Paso in the H-GAC Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

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.

Department: Information Technology
Account No.: 22150024 – 508035 – 07185 – G220808
Funding Source: FEMA Grant EMW2005-FG-08972FY07 UASI Grant
Total Estimated Award: \$3,334,961
Reference No.: 2008-203

Mayor Cook commented.

.....
ITEMS TAKEN TOGETHER:

8C. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** an Amendment to the Municipal Payment Plan Agreement with Oracle Corporation (Contract Number 2004-129) approved by City Council on March 2, 2004, to finance the purchase of various Oracle software components. Further, that the City Manager be authorized to execute the agreement and any other required documentation.

8D. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services be authorized to issue a purchase order to Oracle Corporation, a Department of Information Resources (DIR) contractor under the State Contract DIR-VPC-03-018, for software components to streamline and consolidate technology for the City in the amount of \$1,355,000. 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.: 31260001 – 508010 – 60663 – PCP07CAP001 (for FY 2008)
Funding Source: 2003 Certificates of Obligation for Capital Acquisitions
(Various Budgets for FY 2009, 2010, 2011)
Total Estimated Award: \$1,355,000
Reference No.: 2008-205

.....
9A. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Review Procedures), Section 20.04.380 (Application Requirements), of the El Paso City Code to remove the requirement for a site plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Representative Byrd commented.
.....

9B.

ORDINANCE 16885

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE BOUNDARIES OF THE DOWNTOWN 2015 PLAN TO INCLUDE PROPERTY APPROVED BY COUNCIL FOR INCLUSION INTO THE TAX INCREMENT REINVESTMENT ZONE AND THAT THE CITY’S COMPREHENSIVE PLAN, “THE PLAN FOR EL PASO 2025”, AND THE GENERAL LAND USE MAP BE AMENDED TO INCORPORATE THE MODIFICATION.**

Representative Quintana commented.

Ms. Kathryn Dodson, Economic Development Director, commented and City Attorney Charlie McNabb gave legal advice.

1ST MOTION

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, Quintana, and Ortega
- NAYS: Representative Castro and Holguin
- ABSTAIN: Representative O’Rourke

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

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

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: 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**.

.....
9C.

ORDINANCE 16886

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00002 TO ALLOW FOR A PERSONAL WIRELESS TELECOMMUNICATION FACILITY AND**

EQUIPMENT SHELTER ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 8, BLOCK 8, BUTTERFIELD TRAIL INDUSTRIAL PARK, UNIT 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

Mayor Cook and Representatives Castro and Byrd commented.

Mr. Philip Etiwe, Development Review Manager, 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**.

.....
9D.

ORDINANCE 16887

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 18, 19, 20, 21, 22, 23, 24, AND ALL OF TRACTS 25, 26, 27, AND 28 PALMDALE ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

AYES: Representatives Lilly, Byrd, 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**.

.....
9E.

ORDINANCE 16888

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.16 (ZONING BOARD OF ADJUSTMENT), OF THE EL PASO CITY CODE, IN ITS ENTIRETY, TO UPDATE AND CLARIFY THE CODE; TO DELETE OBSOLETE SPECIAL EXCEPTIONS; TO ADD CONDITIONS TO OTHER SPECIAL EXCEPTIONS; AND TO AMEND THE ADMINISTRATIVE PROCESS.**

Representatives Byrd, Castro, and Lilly commented.

Mr. Philip Etiwe, Development Review Manager, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Mr. Richard Schechter, citizen, commented.

Motion duly made by Representative O'Rourke, seconded by Representative 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, 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**.

.....
9F.

ORDINANCE 16889

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

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

AYES: Representatives Lilly, Byrd, 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**.

.....
10A.

ORDINANCE 16890

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

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

Representative Castro commented.

Mr. Keith Bennet, Traffic Controls Planning Supervisor, commented, and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**, as revised with an effective date of May 27, 2008, and direction to the City Attorney's office to bring forward an Ordinance on tow-away zones. 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**.

.....
11A.

ORDINANCE 16891

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

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

AYES: Representatives Lilly, Byrd, 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**.

.....
11B.

ORDINANCE 16892

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

Mayor Cook and Representatives Quintana, Byrd, Ortega, Castro, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Keith Bennett, Traffic Controls Planning Supervisor
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Mr. Philip Etiwe, Development Review Manager

Mr. Mike Armstrong, owner of the Three Legged Monkey, commented.

The following members of the public commented:

- 1. Ms. Ofelia Chavez
- 2. Mr. Mark Benitez
- 3. Ms. Anna Nazario
- 4. Ms. Rosa Mendez
- 5. Mr. Derek Ware
- 6. Ms. Patricia Hoelta

1ST MOTION

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

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED** and direct staff to pursue the golf course parking. 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**.

.....
12. PUBLIC HEARING – FIRE DEPARTMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting a franchise to American Medical Response to operate a non-emergency ambulance transfer service.

.....
13. PUBLIC HEARING – PARKS AND RECREATION

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the public hearing on a Resolution that the El Paso City Council approves the identified extension of Whitehall Drive through the Northeast Regional Park and that related to the approve extension of Whitehall Drive and in accordance with Chapter 26 of the Texas Parks and Wildlife code, the City Council finds there is no feasible and prudent alternative to the use of Northeast Regional Park and that the proposed plans for the identified street extension include all reasonable planning to minimize harm to the Northeast Regional Park.

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

Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative Castro commented.

Ms. Theresa Cullen-Garney, Deputy City Attorney, gave legal advice

Mr. Richard Schecter, citizen, commented.

.....

14A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week and not consider before 5:00 p.m. the item for discussion and action on an appeal from property owners in the Austin Terrace Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) on March 17, 2008, to approve the construction of a new residence at 111 Pennsylvania.

Mayor Cook and Representative Byrd commented.

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

.....

14B. MAYOR AND COUNCIL

Discussion and action on rescinding Ordinance #16668 (passed on June 19, 2007 by a vote of 6-2 with Representatives Castro and Holguin voting against and Representatives Byrd, Lilly, Lozano, O'Rourke, Presi Ortega, and Steve Ortega voted for) which created a "Municipal Drainage Utility System under the auspices of the El Paso Water Utilities Public Service Board (PSB)." The fee scheme is overly burdensome on the citizenry of El Paso, unfair in its methodology, raises potential legal liability for the city, and is too aggressive with its timeline of collection of revenue. The entire issue should be revisited and alternative sources of funding, such as revenue from city land sales administered by the PSB, should be looked at for this expenditure.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Mr. Edmund G. Archuleta, President/Chief Executive Officer of El Paso Water Utilities Public Service Board.

Mr. Douglas Caroom, Bickerstaff Heath Delgado Acosta, LLP, commented.

The following members of the public commented:

1. Mr. Ben Gomersall
2. Mr. Alexandro Lozano
3. Mr. Kenneth Parker, Chief Business Officer of the El Paso Independent School District
4. Ms. Linda Green
5. Mr. Peter Beste
6. Mr. Jerry Thiedt
7. Ms. Lisa Turner
8. Mr. Ray Gilbert
9. Mr. Gerald Miller

1ST MOTION

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

2ND MOTION

Motion made by Representative Castro, seconded by Representative Holguin, and carried to **CONSIDER THE ITEM BEFORE THE MASS TRANSIT DEPARTMENT BOARD MEETING..**

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

NAYS: Representative O'Rourke

3RD MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Lozano an additional two minutes to address the Council.

4TH MOTION

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

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

NAYS: Representative Byrd

5TH AND FINAL MOTION

Motion made by Representative Castro, seconded by Representative Holguin, to **DIRECT** staff to prepare an Ordinance to retain control of the storm water fees back to City Council. **THE MOTION FAILED.**

AYES: Representatives Castro, Quintana, and Holguin

NAYS: Representatives Lilly, Byrd, Ortega, and O'Rourke

.....
Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **RECESS** the City Council Meeting at 1:41 p.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representative Byrd

.....
Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **RECONVENE** the City Council Meeting at 3:24 p.m.

14C.

RESOLUTION

WHEREAS, Conference USA is a collegiate athletic league which includes the University of Texas at El Paso as one of its 12 member schools;

WHEREAS, Conference USA sponsors an annual Basketball Tournament that historically draws roughly 2,000 over a 5-day period generating an economic impact of \$1.2 million;

WHEREAS, the City of El Paso ("City"), County of El Paso ("County") and El Paso Sports Commission ("Sports Commission") are interested in making a bid for the 2010 Conference USA Basketball Tournament;

WHEREAS, it is anticipated that the 2010 Conference USA Basketball Tournament will generate approximately \$1.1 million in ticket sales while the expenses are expected to be \$800,000 for tournament participant members and \$321,000 in fixed expenses or approximately \$1.2 million in total tournament expenses; and

WHEREAS, as a contingency plan in the event that ticket sales fall short, the Sports Commission has expressed their willingness to pay the first \$50,000 shortfall and the City and County have each expressed their willingness to pay half of any remaining shortfall.

NOW THEREFORE BE IT JOINTLY RESOLVED, that the County of El Paso and the City of El Paso are proud to support the bid to bring the 2010 Conference USA Basketball Tournament to El Paso and are willing, as a contingency plan, to pay half of any shortfall remaining after the Sports Commission pays the first \$50,000 in the event of any revenue shortfall to cover the expenses of \$1.2 million, and the City and County will establish by agreement at a future date the amounts to be appropriated, and that the City's share will be paid out of the City's Hotel Occupancy Tax fund.

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

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

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the Resolution with the amendment limiting the source of funding to the hotel/motel taxes revenue.

.....
15A.

R E S O L U T I O N

WHEREAS, on June 26, 2007, the City Council for the City of El Paso adopted a Final Action Plan for 2007-2008 for the Consolidated Plan 2005-2010, including the 33rd Year (2007-2008) Community Development Block Grant (CDBG) Program, and on the same date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the Annual Action Plan (2007-2008) and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the CD Steering Committee and the Director of the Community and Human Development Department, now desires to amend the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget by deleting one social service activity and reallocating and/or reprogramming those reserved funds to increase the funding of four existing 33rd Year social service activities; and

WHEREAS, on April 7, 2008, the City of El Paso published in the El Paso Times public notice and allowed a 30-day public comment period regarding the proposed amendments to the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget and City Council has duly considered public comment, if any; and

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

1. That the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget is hereby amended as follows:
 - (a) the social service project, "Hospice of El Paso, Inc. - Patient Assistance Fund - \$40,541 (All Districts) (Account No. G7133SS0029)" is deleted;
 - (b) the reserved HUD funds from the above project be reallocated and/or reprogrammed to four existing 33rd Year (2007-2008) CDBG social service activities in the Mental and Medical Health Services Collaborative: (1) "Centro de Salud Familiar La Fe, Inc.'s Care Center HIV Case Management (All Districts) (Account No. G7133SS0025)", increasing the project budget from \$29,231 to \$39,366 and increasing the units of social case management, medical care, and transportation services from 6,000 to 6,500; (2) "Centro San Vicente's Community Oriented Primary Healthcare (All Districts) (Account No. G7133SS0026)", increasing the project budget from \$45,176 to \$55,311 and increasing the units of comprehensive primary and mental health care services from 1,717 to 2,402; (3) "El Paso Child Guidance Center's Children's Mental Health/Abuse Prevention (All Districts) (Account No. G7133SS0027)", increasing the project budget from \$46,163 to \$56,298 and increasing the units of mental health and referral-based medical services from 839 to 1,021; and (4) "Family Service of El Paso's Community Development Counseling Program (All Districts) (Account No. G7133SS0028)", increasing the project budget from \$24,707 to \$34,843 and increasing the units of therapy services from 449.21 to 633.50.
2. That the City Manager be authorized to sign any agreements or related documents upon approval by the City Attorney's Office and Director of Community and Human Development Department and to take any actions necessary to accomplish the intent of this resolution, including the necessary budget transfers and notifying HUD of said Annual Action Plan amendment.

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

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

NAYS: None

ABSTAIN: Representative O'Rourke

.....
15B.

RESOLUTION

WHEREAS, on June 26, 2007, the City Council for the City of El Paso adopted a Final Action Plan for 2007-2008 for the Consolidated Plan 2005-2010, including the 33rd Year (2007-2008) Community Development Block Grant (CDBG) Program, and on the same date authorized the City Manager to sign and submit to the United States Department of Housing and Urban Development (HUD) the Annual Action Plan (2007-2008) and all certifications contained therein; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires to amend the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget by adding one economic development activity; and

WHEREAS, on April 4, 2008, the City of El Paso published in the El Paso Times public notice and allowed a 30-day public comment period regarding the proposed amendment to the Annual Action Plan

(2007-2008) and 33rd Year (2007-2008) CDBG Program Budget and City Council has duly considered public comment, if any; and

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

1. That the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget is hereby amended as follows:

The new economic development activity, El Puente Community Development Corporation (El Puente CDC) – Development of Centro Mayapan Festival Marketplace as a Community Economic Development Incubator - \$150,000 (District 8) is added; to purchase goods and services that will be used to incubate businesses and create jobs for low- and moderate-income community members; and

2. That the City Manager be authorized to sign any agreements or related documents upon approval by the City Attorney's Office and Director of Community and Human Development Department and to take any actions necessary to accomplish the intent of this resolution, including the necessary budget transfers and notifying HUD of said Annual Action Plan amendment.

Mayor Cook and Representative Ortega commented.

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

Ms. Cindy Arnold, Executive Director of El Puente Development Corporation, commented.

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

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
16. DEVELOPMENT AND INFRASTRUCTURE SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action on policy direction for setting subdivision-related fees and to be effected as part of the FY 2009 budget adoption.

.....
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 4:30 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk