

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
May 18, 2010
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:02 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr., at 10:42 a.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. THE ANNUAL SALES OF BUDDY POPPIES DAY
2. NATIONAL PUBLIC WORKS WEEK
3. INTERNATIONAL MUSEUM DAY
4. FARAH MANUFACTURING COMPANY DAY
5. DR. RICHARD M. RHODES DAY

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 members of the public commented:

1. Mr. Eddie Sanchez
2. Mr. Salvador Gomez
3. Mr. Raul Castaneda

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, 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, Acosta, Robinson, Quintana, Ortega, and O'Rourke

NAYS: None
NOT PRESENT FOR THE VOTE: Representative Holguin

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 11, 2010 and the Special City Council meeting of May 7, 2010 (in conjunction with the Transportation Policy Board meeting).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager is authorized to sign a Wireline Crossing Agreement with the Union Pacific Railroad Company for the installation of fiber optic lines across railroad company right-of-way near Zaragoza between Billy the Kid Street and Roseway Drive, El Paso, Texas. The one time license fee cost to the city is \$1,500.00.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a City Landfill Litter Control Contract among the City of El Paso and TIBH Industries, Inc. ("TIBH"), and BorderTM Industries, Inc. d/b/a Xceed Resources to provide litter control services for the City's Department of Environmental Services.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Mark Hedrick to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1.

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5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Maria Teresa Ramirez to the Civil Service Commission by Representative Susie Byrd, District 2.

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6. APPLICATIONS FOR TAX REFUNDS

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. R.J. Border International, L.P. in the amount of \$20,679.56 overpayment of 2007 taxes. (PID #2004-999-1041-0050).
- B. Select Portfolio Servicing, Inc. in the amount of \$2,860.00 overpayment of 2009 taxes. (PID #C518-999-0180-3700).
- C. Cynthia A. & Jose Reza in the amount of \$4,786.50 overpayment of 2009 taxes. (PID #C518-999-0910-5800).

- D. BAC Tax Services Corporation in the amount of \$4,337.55 overpayment of 2009 taxes. (PID #C837-999-0010-1200).
- E. BBVA Compass Bank in the amount of \$9,181.41 overpayment of 2009 taxes. (PID #D485-999-0010-1900).
- F. Specialized Loan Services c/o LPS Property Tax Solutions in the amount of \$3,085.68 overpayment of 2009 taxes. (PID #E077-000-0110-0200).
- G. Frank Lozano in the amount of \$2,530.38 overpayment of 2009 taxes. (PID #H791-008-0120-2700).
- H. BAC Tax Services in the amount of \$2,522.03 overpayment of 2009 taxes. (PID #M425-999-0410-7300).
- I. Chase Home Finance in the amount of \$3,001.10 overpayment of 2009 taxes. (PID #N425-999-0450-4300).
- J. Dorothy A. Hasenbuhler in the amount of \$3,738.07 overpayment of 2009 taxes. (PID #P324-999-0350-7900).
- K. Israel Martinez in the amount of \$5,031.02 overpayment of 2009 taxes. (PID #S137-999-0250-1400).
- L. Loan Care Servicing Center in the amount of \$3,094.52 overpayment of 2009 taxes. (PID #S812-999-0150-2700).
- M. Mortgage Investors Corporation in the amount of \$4,306.32 overpayment of 2009 taxes. (PID #T287-999-0830-1800).
- N. BAC Tax Services Corporation in the amount of \$2,567.04 overpayment of 2009 taxes. (PID #V897-999-0210-4500).

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7A. & 7C. – 7H. INTRODUCTIONS

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Acosta, 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:

- 7A.** An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to delete the extension of Stanton Street, as a minor arterial, north of the existing terminus located north of Excalibur Drive. Applicant: Brock & Bustillos, Inc.
- 7C.** An Ordinance amending Ordinance No. 017298 relating to the collection of commercial solid waste in required commercial collection areas, to change the effective date.
- 7D.** An Ordinance repealing Ordinance number 017042 (Transportation Reinvestment Zone Number One for El Paso, Texas): Declaring Ordinance number 017042 void.

- 7E. An Ordinance designating Transportation Reinvestment Zone Number Two for El Paso, Texas; describing the boundaries of the zone; providing for an effective date and a termination date for the zone; naming the zone "Transportation Reinvestment Zone Number Two, City of El Paso, Texas"; establishing a tax increment fund for the zone; and containing other provisions related thereto.
- 7F. An Ordinance designating Transportation Reinvestment Zone Number Three for El Paso, Texas; describing the boundaries of the zone; providing for an effective date and a termination date for the zone; naming the zone "Transportation Reinvestment Zone Number Three, City of El Paso, Texas"; establishing a tax increment fund for the zone; and containing other provisions related thereto.
- 7G. An Ordinance amending Title 9 (Health and Safety), Chapter 9.02 (Department of Public Health), Section 9.02.040 (Fees – Clinics and Laboratory) by adding subsection D, to allow for a sliding fee.

PUBLIC HEARING WILL BE HELD ON MAY 25, 2010, FOR ITEMS 7A & 7C – 7G

- 7H. An Ordinance changing the zoning of a portion of Lot 1, Block 42, Ridge View Estates Unit Sixteen, City of El Paso, El Paso County, Texas from R-3A/SC (Residential/Special Contract) to C-1/SC (Commercial/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 8, 2010, FOR ITEM 7H

7B. INTRODUCTION

*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the Introduction of an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso City Code by amending Subsection G, forty miles per hour, Number 12: Socorro Road from 400 feet southeast of Southside Road and 450 feet southeast of Avenue of the Americas to 400 feet southeast of Southside Road and the southeast city limits; and to delete Number 2 in Subsection H, forty-five miles per hour, Socorro Drive between a point 450 feet southeast of Avenue of the Americas and the southeast city limits; the penalty being as provided in Section 12.84.010 (Violation--Penalty) of the El Paso City Code.

8. FINANCIAL SERVICES:

*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2010-187 (Towing, Storage and Sale of Motor Vehicles) to Sun City Towing and Recovery for a total estimated amount of \$1,500,000.

Department:	Police
Award to:	Sun City Towing and Recovery El Paso, TX
Items:	All
Options:	(1) Extend 6 month period if the option is exercised prior to the expiration of the original contract term. (2) Extend 6 month <u>or</u> 1 year period if option is exercised prior to the expiration of the first 6 month option.
Funding Source:	Abandoned Auto – Restricted Fund
Total Estimated Award:	\$1,500,000

This is a twelve month requirements type contract for Towing, Storage and Sale of Motor Vehicles.

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

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

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9.

ORDINANCE 17323

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00008, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 1-6, BLOCK G, D. M. PAYNE’S SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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 Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O’Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: 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**.

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10.

ORDINANCE 17324

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.80 BY ADDING SECTION 5.80.120 (AUTHORITY TO ISSUE CITATIONS); THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE.**

Representatives Quintana, Acosta, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Police Chief Eric Shelton
- 3. Mr. John Batoon, Assistant City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O’Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: 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**.

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11A. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **REJECT** amending the City Code to allow use of electric perimeter fencing within the city limits of El Paso and to **DIRECT** the City Manager to come back to Council with an amendment to the Ordinance regarding the requirement for fences in ranch/farm areas.

NOT PRESENT FOR THE VOTE: Representative Holguin

Mayor Cook and Representatives Lilly, Byrd, Acosta, Quintana and Ortega, commented.

Mr. Carlos Gallinar, Comprehensive Plans Project Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Philip Etiwe, Development Review Manager
- 3. Mr. Tom Maguire, Environmental Services

Mr. Michael Pate, Director of Business Development for Sentry Security Systems, LLC., commented.
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11B.

RESOLUTION

WHEREAS, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

WHEREAS, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

WHEREAS, pursuant to Section 375.064(a) of the Code, the Board of Directors of the District ("Board") convened a meeting open to the public for the purpose of recommending a slate of persons to serve as members of the Board and to fill positions that expired and to elect a Secretary of the District to fill the vacancy left by resignation; and

WHEREAS, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

That the City Council approve the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District for the terms indicated:

Richard Fleager	Term Expiring March 2013
Trista Fox	Term Expiring March 2013
T. J. Karam	Term Expiring March 2013

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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ITEMS TAKEN TOGETHER

12A.

RESOLUTION

WHEREAS, the City Council has identified development and implementation of a city-wide neighborhood program as a way to achieve its strategic goal of preserving and improving the quality of life in El Paso's neighborhoods and based on that direction, the City's Community and Human Development Department now recommends that City Council approve the Neighborhood Action Plan Guidelines for establishing neighborhood eligibility criteria and parameters for Neighborhood Action Plans.

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

That the City Council hereby approves the proposed Neighborhood Action Plan Guidelines, attached as Exhibit "A."

12B.

RESOLUTION

WHEREAS, the El Paso City Council for the City of El Paso ("City Council") has identified as a goal development and implementation of a City Wide Neighborhood program to systematically preserve and renew El Paso's neighborhoods; and

WHEREAS, upon request by the Montoya Heights Community Improvement Association the Neighborhood Services Division of the Community and Human Development Department (the "Department") coordinated with Montoya Heights Neighborhood residents, property owners, and other City departments to develop the proposed Montoya Heights Neighborhood Action Plan to serve as a blueprint to address specific concerns in the neighborhood relating to infrastructure, traffic, code enforcement and land use; and

WHEREAS, the Montoya Heights Community Improvement Neighborhood Association and other residents and owners within the Montoya Heights Neighborhood have actively participated in the planning process and favor implementation of the proposed Montoya Heights Neighborhood Action Plan; and

WHEREAS, the Development Coordinating Committee (DCC) and the City Plan Commission (CPC) reviewed and gave a favorable recommendation for approval of the Montoya Heights Neighborhood Action Plan and the Department Director now recommends that City Council approve the proposed Montoya Heights Neighborhood Action Plan.

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

THAT City Council hereby approves the Montoya Heights Neighborhood Action Plan.

12C.

RESOLUTION

WHEREAS, the El Paso City Council for the City of El Paso ("City Council") has identified as a goal development and implementation of a City Wide Neighborhood program to systematically preserve and renew El Paso's neighborhoods; and

WHEREAS, upon request by the Cielo Vista Neighborhood Association the Neighborhood Services Division of the Community and Human Development Department (the "Department") coordinated with Cielo Vista Neighborhood residents, property owners, and other City departments to develop the proposed Cielo Vista Neighborhood Action Plan to serve as a blueprint to address specific concerns in the neighborhood relating to traffic, code enforcement, street lighting, parks, safety and security, sidewalks and land use and zoning; and

WHEREAS, the Cielo Vista Neighborhood Association and other residents and owners within the Cielo Vista Neighborhood have actively participated in the planning process and favor implementation of the proposed Cielo Vista Neighborhood Action Plan; and

WHEREAS, the Development Coordinating Committee (DCC) reviewed and gave a favorable recommendation for approval of the Cielo Vista Neighborhood Action Plan and the Department Director now recommends that City Council approve the proposed Cielo Vista Neighborhood Action Plan.

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

THAT City Council hereby approves the Cielo Vista Neighborhood Action Plan.

Mr. Mark Alvarado, Neighborhood Services Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Lilly, Acosta, Robinson, Ortega and O'Rourke commented.

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

Mr. Mark Benitez, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, and O'Rourke

NAYS: Representatives Holguin and Ortega

13. ECONOMIC DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to sign the First Amendment to Chapter 380 Economic Development Program Agreement, between the City of El Paso and Hawkins Center, LP, successor-in-interest to Hawkins Regency, LLC, ("Applicant"), regarding applicant's redevelopment of the approximately 55-acre property located at 8877 and 8889 Gateway Boulevard in El Paso, Texas (Farah property) and the City financial incentives for economic development related thereto.

NOT PRESENT FOR THE VOTE: Representative Holguin

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 10:58 a.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk