

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 22, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., and Beto O'Rourke. Late arrival: Steve Ortega at 8:38 a.m. during Executive Session deliberations. Early departure: Presi Ortega, Jr. at 12:44 p.m. Absent: Ann Morgan Lilly requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

- 1. ELDER ABUSE PREVENTION MONTH**
- 2. 2007 LULAC TEXAS STATE CONVENTION CELEBRATION**
- 3. NATIONAL PUBLIC WORKS WEEK**
- 4. NATIONAL DRUG COURT MONTH**

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. John Harris, President of Sierra Providence Health Network
2. Mr. Ray Gilbert

Representatives Presi Ortega, Jr. and O'Rourke commented.

.....
Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:37 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.

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:23 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

ABSENT: Representative Lilly

.....
EX1. Ernesto Casas vs. City of El Paso; Cause No. EP-06-CA-0101. (551.071)

Motion made by Representative Lozano, seconded Representative Byrd, and unanimously carried that the City Attorney’s Office be authorized **SETTLEMENT AUTHORITY** to negotiate settlement agreement and sign all documents to resolve in the lawsuit styled Ernesto Casas vs. City of El Paso; Cause No. EP-06-CA-0101.

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

.....
EX2. City of El Paso vs. The United States Department of the Interior, Bureau of Reclamation, and the El Paso County Water Improvement District No. 1; Cause No. EP07CA152. (551.071)

Motion made by Representative Lozano, seconded Representative Byrd, and unanimously carried that the City of El Paso ratifies the action taken by and through the El Paso Water Utilities Public Service Board in the lawsuit styled The City of El Paso by and through The El Paso Water Utilities Public Service Board vs. The United States of America, Department of the Interior, Bureau of Reclamation, and the El Paso County Water Improvement District No. 1; Cause No. EP-07-CA-0152, and authorizes outside council to assert any additional claims to protect City interests not directly related to the PSB system, as may be identified in consultation with the City Attorney or City Manager.

Mayor Cook and Representatives Castro and Lilly commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Robert Andron, General Counsel for El Paso Water Utilities Public Service Board, commented.

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

EX3. Discussion and action on the AB Fall Mansion Home. (551.071)

Motion made by Representative Lozano, seconded Representative O'Rourke, and carried that authorizes the City Manager and outside council to tender the funds to obtain possession of the property known as the AB Fall Mansion in compliance with the determination made by the Special Commissioners as a result of the previously authorized acquisition of this property by condemnation or eminent domain.

AYES: Mayor Cook and Representatives Byrd, Steve Ortega, and O'Rourke
NAYS: Representatives Lozano, Castro, and Holguin
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.
ABSENT: Representative Lilly

Mayor Cook broke the tie, voting aye.

.....
CONSENT AGENDA

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

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 15, 2007, and the Special Joint City Council/Public Service Board Meeting of May 17, 2007, and the Special City Council Meeting of May 17, 2007 (Introduction of Water Drainage Ordinance).

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

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Lilly from the Regular Council Meeting of May 22 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 sign a Multiple Use Agreement between the City of El Paso and the State Of Texas, by and between the Texas Department Of Transportation, to permit the construction, maintenance, and operation of a public underground storm sewer on the highway right-of-way on Mesa Street and Coronado Ditch.

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 Manager be authorized to approve the Naming Policy for the El Paso History Museum.

.....
3C.

***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 provides recreational services to the citizens of El Paso through the Department of Parks and Recreation; and

WHEREAS, the City of El Paso is constructing a Westside Sports Complex on property west of the El Paso Community College Northwest campus, and the City of El Paso will need additional parking spaces off site at said location; and

WHEREAS, the off-site parking for the Westside Sports Complex will be on property which is owned by and under the jurisdiction of El Paso Community College; and

WHEREAS, the Westside Sports Complex is an improvement to be constructed at the City of El Paso's cost and for the City of El Paso and El Paso Community College's mutual benefit on certain real property owned by El Paso Community College; and

WHEREAS, both City of El Paso and El Paso Community College have determined that the terms and consideration provided for herein is of mutual benefit and are fair, reasonable and the product of arms length negotiations; and

WHEREAS, it is necessary for the City of El Paso and El Paso Community College to enter into this Agreement concerning the use of El Paso Community College's property for the off-site parking for the Westside Sports Complex; and

WHEREAS, the City of El Paso and El Paso Community College are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code; and

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

That the Mayor be authorized to execute an Inter-Governmental Agreement between the City of El Paso and El Paso Community College concerning the City of El Paso's use of El Paso Community College's property at the Northwest Campus for off-site parking for the Westside Sports Complex.

.....

3D.

***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 El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Unit be operated for the September 1, 2007, to August 31, 2009, years; and

WHEREAS, the El Paso City Council agrees to provide the applicable cash match for the said project as required by the Office of the Attorney General Crime Victim Services Division grant application; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Office of the Attorney General Crime Victim Services Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate, authorize the transfer of funds of the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Other Victim Assistance Grants (OVAG) project to the Office of the Attorney General Crime Victim Services Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$50,000.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department’s Domestic Abuse Response Team.
3. The City of El Paso agrees to provide a cash match in the amount of \$33,984.00.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: Crime Victims’ Rights Council of El Paso; El Paso County Attorney’s Office, VOCA Protective Orders Program; Court Appointed Special Advocates; Adult Protective Services; Advocacy Center for the Children of El Paso; Center Against Family Violence, Crime Victims’ Assistance – Domestic Violence; Diocesan Migrant and Refugee Services, VAWA Crime Victims Unit; El Paso County District Attorney’s Office, Domestic Violence Unit; District Attorney’s Office, Victims’ Assistance; El Paso County Sheriff’s Office, Victim Services Liaison; Family Service of El Paso, Crime Victims Counseling Program; Office of the Attorney General Victim Services; Rio Grande Council of Governments; Sexual Trauma and Assault Response Services (STARS); and West Texas Community Supervisor and Corrections Department.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

.....

3E.

***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 El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Unit be operated for the September 1, 2007, to August 31, 2009, years; and

WHEREAS, the El Paso City Council agrees to provide the applicable cash match for the said project as required by the Office of the Attorney General Crime Victim Services Division grant application; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Office of the Attorney General Crime Victim Services Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate, authorize the transfer of funds of the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Victim Coordinator and Liaison Grants (VCLG) project to the Office of the Attorney General Crime Victim Services Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$39,000.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department's Domestic Abuse Response Team.
3. The City of El Paso agrees to provide a cash match in the amount of \$7,694.00.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: Crime Victims' Rights Council of El Paso; El Paso County Attorney's Office, VOCA Protective Orders Program; Court Appointed Special Advocates; Adult Protective Services; Advocacy Center for the Children of El Paso; Center Against Family Violence, Crime Victims' Assistance – Domestic Violence; Diocesan Migrant and Refugee Services, VAWA Crime Victims Unit; El Paso County District Attorney's Office, Domestic Violence Unit; District Attorney's Office, Victims' Assistance; El Paso County Sheriff's Office, Victim Services Liaison; Family Service of El Paso, Crime Victims Counseling Program; Office of the Attorney General Victim Services; Rio Grande Council of Governments; Sexual Trauma and Assault Response Services (STARS); and West Texas Community Supervisor and Corrections Department.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

.....

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 Cooperation Contact between the City of El Paso and Texas Department of Public Safety (DPS) which will allow the City to purchase supplies from DPS at a later time as needed, from September 1, 2007, through August 31, 2009, for the Police Department's use in conducting DWI breath tests.

.....
4A. REINSTATEMENT

*Motion made, seconded, and unanimously 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:

Avila, Jr., Miguel – Solid Waste Truck Driver
.....

4B. REINSTATEMENT

*Motion made, seconded, and unanimously 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:

Alvarado, III, Jesus – Human Resources Analyst
.....

4C. REINSTATEMENT

*Motion made, seconded, and unanimously 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:

Saenz, Manuel – Electronic Technician
.....

5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

Request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to Checkpoint Services, Inc., a Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-192, for procurement of 150 Dell Optiplex Computers. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on March 6, 2007.

Total Award: \$118,330.50
Department: Information Services
Funds: 31260001 – 60600 - 508010
Funds Available: Unallocated-FY03 CO'S, Capital Acquisition, Data Processing Equipment.
Reference No.: 2007-181

Representatives Castro and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer
3. Mr. Gerald Gordier, Chief Information Officer and IT Director

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Ray Gilbert

1ST MOTION

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

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke, and carried to **APPROVE** the item.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Lilly

.....
6. BEST VALUE PROCUREMENT

The award of Solicitation No. 2007-122 (Waste Removal and Disposal Services) to Envirosolve, Inc. for a total estimated award of \$150,000

Department:	Environmental Services
Award to:	Envirosolve, Inc.
	Tulsa, OK
Items:	All
Option:	Two Years
Annual Estimated Amount:	\$50,000
Account No.:	34010286 – 40403 - 502215
Funding Source:	Environmental Code Enforcement – SWM –Outside Contracts - NOCE
Total Estimated Award:	\$150,000

This is a service requirements type contract for thirty-six months.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice

1ST MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative Holguin

.....
7A. – 7I. INTRODUCTIONS

Motion made by Byrd, seconded by Lozano, 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 granting a Special Privilege authorizing the temporary closure of Franklin Avenue between Santa Fe Street and Oregon Street for City-sponsored “Grand Opening Celebration” and “Teen Fest” events on June 16, 2007. SPL07-00006.
- B. An Ordinance granting a Special Privilege to Regent Communications - El Paso to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (access road abutting Convention Center) between San Francisco Avenue and San Antonio Avenue; and Main Drive between Santa Fe Street and El Paso Street on Friday, June 29, 2007, through Monday, July 2, 2007, for the El Paso Downtown Street Festival. Fee: \$225.00. SPL07-00004.
- C. 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 the El Paso City Council in 1999, and as subsequently amended, to remove Clark Drive and Dale Road.
- D. 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 the El Paso City Council in 1999, and as subsequently amended, to remove the proposed minor arterial between the proposed extensions of Pebble Hills and Rich Beem.
- E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to delete certain sections of Edgemere Drive and to add other sections of Edgemere Boulevard. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040, Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph J (No Parking 7:00 am to 4:00 pm) of the El Paso City Code, to modify portions of Linum Drive. The penalty being as provided in Section 12.85.110 (Violation--Penalty) of the El Paso City Code.

- G. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "F" (Thirty-Five Miles per Hour) of the El Paso City Code to add New World Drive. The penalty is as provided in Section 12.84.010 of the El Paso City Code.
- H. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "G" (Forty Miles per Hour) of the El Paso City Code to add Helen of Troy Drive from Redd Road to Desert North Boulevard. The penalty is as provided in Section 12.84.010 of the El Paso City Code.
- I. That the Mayor be authorized to sign an Ordinance granting a franchise for Dominion Ambulance, LLC, to operate a Non-Emergency Ambulance Transfer Service.

PUBLIC HEARING WILL BE HELD ON MAY 29, 2007, FOR ITEMS 7A – 7I

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

8A. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding an Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

ITEMS TAKEN TOGETHER:

8B.

ORDINANCE 16629

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING TRACT 2-A, 2A-1, AND TRACT 3-A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, EL PASO COUNTY, TEXAS, TO THE CITY OF EL PASO, TEXAS.**

8E.

ORDINANCE 16632

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: TRACT 3A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL); AND PARCEL 2: TRACT 2A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

8F.

ORDINANCE 16633

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00146 TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: TRACT 3A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 OF THE EL PASO CITY CODE; AND PARCEL 2: TRACT 2A, SECTION 4, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Holguin, Presi Ortega, Jr., Castro, and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Conrad Conde, representing the applicant, commented.

Motion duly made by Representative Holguin, seconded by Mayor Pro Tempore Presi Ortega, Jr., that the Ordinances 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 Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
ABSENT: Representative Lilly

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

.....
ITEMS TAKEN TOGETHER:

8C.

ORDINANCE 16630

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING TRACTS 9C, 9D, 9D1, AND 10, BLOCK 13, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS, TO THE CITY OF EL PASO, TEXAS.**

8G.

ORDINANCE 16634

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 9C, 9D, 9D1, AND 10, BLOCK 13, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO P-R 1 (PLANNED RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook commented.

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

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

.....
ITEMS TAKEN TOGETHER:

8D.

ORDINANCE 16631

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING A PORTION OF TRACT 8, NELLIE D. MUNDY SURVEY NO. 239, EL PASO COUNTY, TEXAS, TO THE CITY OF EL PASO, TEXAS.**

8H.

ORDINANCE 16635

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 8, NELLIE D. MUNDY SURVEY NO. 239, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

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

.....

8I.

ORDINANCE 16636

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

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

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

.....
8J.

ORDINANCE 16637

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

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

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

.....
8K.

ORDINANCE 16638

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

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

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

.....
9. PUBLIC HEARING – MAYOR AND COUNCIL

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.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Mr. Barry Russell, Assistant Director of Parks and Recreation
- 5. Ms. Lupe Cuellar, Assistant City Attorney

Mr. Conrad Conde, representing the applicant, commented.

The following members of the public commented:

- 1. Mr. Ray Aduato, El Paso Association of Builders
- 2. Mr. Richard Schecter
- 3. Mr. Ray Mancera, Hispanic Builders Association
- 4. Mr. Ray Gilbert

1ST MOTION

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

2ND MOTION

Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:51 a.m.

3RD MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **ADJOURN** the Executive Session at 12:02 p.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Byrd

4TH AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for two weeks.

.....
10A. MAYOR AND COUNCIL

Discussion and action regarding the installation of four-way stop sign signage at the intersection of Bucher and Dale Streets.

*Motion made, seconded, and unanimously carried to **DELETE** the item.
.....

10B. MAYOR AND COUNCIL

Lyceum's Transportation Cabinet final report and recommendations to City Council.

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

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Streets Department Director, commented.

Ms. Veronica Callaghan, Chair of Lyceum's Transportation Cabinet, commented.

NO ACTION was taken on the item.

.....
10C. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** for three weeks the item regarding discussion and action on installing a speed hump and/or other traffic control device on Rose Lane as requested from neighbors and supported by Representative Jose Alexandro Lozano.

.....
10D. MAYOR AND COUNCIL

Discussion and action regarding directing the city manager to present an impact fee proposal aimed at ensuring that the municipal costs of new residential and commercial growth pay for themselves and that the costs of new growth not be subsidized by taxes paid on existing residential and commercial properties.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Ray Gilbert, citizen, and Mr. Ray Aduato, El Paso Association of Builders, commented.

NO ACTION was taken on the item.

.....
11A. DEVELOPMENT SERVICES

Discussion and action on submitted parade applications for the City's Fiscal Year 2008 and a determination on which events the City will support at no cost or at a reduced cost to the applicant pursuant to Municipal Code Section 13.36.050, F., Costs and Fees.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Harry Steele, Development Services Customer Service Manager

The following members of the public commented:

1. Mr. Bob Peterson
2. Mr. Richard Schecter
3. Mr. Armando Parra

1ST MOTION

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

2ND MOTION

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

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

3RD MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

4TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **DENY** a Resolution (**11A1.**) that the City Manager be authorized to execute an agreement between the City of El Paso and the Rotary Club of West El Paso for the Independence Day Celebration on July 4, 2007; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance.

NOT PRESENT FOR THE VOTE: Representative Castro

5TH AND FINAL MOTION

11A2. RESOLUTION

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

That the City Manager be authorized to execute an agreement between the City of El Paso and the Rotary Club of West El Paso for the Independence Day Celebration on July 4, 2008; and under the terms of which agreement, the City will provide the necessary funds to cover the costs of the on-duty police traffic control assistance.

11A3. RESOLUTION

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

That the City Manager be authorized to execute an agreement between the City of El Paso and the United American Veterans Organization for the Veteran's Day Parade on November 10, 2007; and under the terms of which agreement, the City will provide the necessary funds to cover the costs of the on-duty police traffic control assistance.

11A4.
RESOLUTION

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

That the City Manager be authorized to execute an agreement between the City of El Paso and the West Texas Confederation of Clubs for the Motorcycle Toy Run on November 4, 2007, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed forty (40) on-duty police officers and forty (40) vehicles for the parade.

Motion made by Representative O'Rourke, seconded by Representative Lozano, and carried to **APPROVE** the above Resolutions.

AYES: Representatives Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: Representative Byrd
ABSENT: Representative Lilly

.....
11B. DEVELOPMENT SERVICES

Discussion and action on proposed revision to Title 18, Chapter 18.50, Property Maintenance Code; Chapter 18.12, Mechanical Code; Chapter 18.10, Residential Code; and Chapter 18.08, Building Code, regarding the provision of air conditioning units in tenant spaces.

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

Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

Mr. Richard Schechter, citizen, commented.

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE** the item.

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

.....
11C. DEVELOPMENT SERVICES

Discussion and action on Conditional "B" permit for Sandstone Ranch Estates Unit 1 Subdivision.

Motion made by Representative Castro, seconded by Representative Byrd, and unanimously carried to **APPROVE** a Conditional B permit for Sandstone Ranch Estates Unit 1 Subdivision with a finding of financial hardship.

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

12.

RESOLUTION

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

WHEREAS, January 31, 2005, the Board of Directors of the Homestead Municipal Utility District (District) made written request to the El Paso Water Utilities (EPWU) that EPWU take all necessary action to dissolve the District and transfer all its assets and liabilities to the City of El Paso, El Paso Water Utilities; and,

WHEREAS, in coordination with the District's desire, EPWU sponsored legislation in the 79th Texas Legislature to enact a law authorizing the dissolution of the District and transfer of all of its assets and liabilities to the City of El Paso, El Paso Water Utility; and,

WHEREAS, January 6, 2006, the Board of Directors of the District enacted a Resolution requesting the Texas Environmental Commission dissolve the District which resolution further stated that all of the District's assets and liabilities were ready to be transferred to the City of El Paso for incorporation into the City's water and wastewater system; and,

WHEREAS, January 11, 2006, the El Paso Water Utilities Public Service Board passed and approved a Resolution authorizing the General Manager, on behalf of the EPWU to take all necessary action to accomplish the dissolution and absorption of the assets and liabilities of the District into the El Paso Water System; and,

WHEREAS, the District entered into an Agreement with EPWU on April 28, 2006 for the Operation, Administration and Management of the Water Services of the District during the pendency of the dissolution and absorption; and,

WHEREAS, the United States Department of Justice issued a letter pursuant to Section 5 of the Voting Rights Act that it did not object to the dissolution of the District; and,

WHEREAS, the Texas Commission on Environmental Quality will issue its Order of Dissolution of the District after the City has accepted the transfer of assets and liabilities into the City's water and wastewater system: and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso:

Section 1. The El Paso City Council, acting on behalf of its El Paso Water Utilities, pursuant to Legislative Action of the 79th Texas Legislature and the regulations of the Texas Commission on Environmental Quality is prepared and hereby accepts the transfer and conveyance of all assets and liabilities of the Homestead Municipal Utility District into its El Paso Water and Wastewater System.

Section 2. The General Manager of El Paso Water Utilities Public Service Board is hereby authorized to execute all documents necessary to complete the transfer and conveyance of the assets of the Homestead Municipal Utility District to the City water and wastewater system along with payment of Homestead's remaining debt, if any, from the remaining funds of the District.

3. The El Paso City Council hereby authorizes the Mayor to sign a resolution of the El Paso City Council accepting the transfer of all the assets and liabilities of the Homestead Municipal Utility District into the El Paso Water and Wastewater System pursuant to Senate Bill 1810, 79th Texas Legislature.

Mayor Cook and Representatives O'Rourke and Castro commented.

Mr. Robert Andron, General Counsel for the El Paso Water Utilities Public Service Board, commented.

Mr. Richard Schechter, citizen, commented.

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

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

.....
13. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on the item.

.....
ADDITION TO THE AGENDA

1.

R E S O L U T I O N

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

WHEREAS, thousands of individuals utilizing El Paso's public streets are eligible to have their vehicles booted for failure to pay delinquent parking citations; and

WHEREAS, these scofflaws account for over \$34 million in uncollected fines and fees owed to the City of El Paso; and

WHEREAS, the City of El Paso will incur increased expenses in sending additional police officers throughout the City to locate and boot the vehicles of these scofflaws; and

WHEREAS, Section 12.85.070A3 of the El Paso City Code permits City Council to reduce the delinquency fines for parking citations for those violators who pay citations, voluntarily, during a declared amnesty period; and

WHEREAS, the contract between the City and its collection agency allows for a waiver of the collection fee during declared amnesty periods; and

WHEREAS, it has been determined that such a reduction in the delinquency fines and collection fees should maximize revenue collection by serving as an incentive for violators to pay their fines;

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

THAT the City Council of the City of El Paso declares an amnesty week effective June 1, 2007, through June 9, 2007, ending at 12:00 midnight on June 9, 2007. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fines and collection fees reduced to zero leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily.

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

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

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **ADJOURN** this meeting at 1:26 p.m.

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

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk