

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 24, 2011
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Deputy Mayor Pro Tempore Rachel Quintana, present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr, at 8:45 a.m. during Executive Session deliberations, Emma Acosta at 9:07 a.m. Mayor Cook at 10:24 a.m. and Carl L. Robinson at 10:30 a.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. OLDER AMERICANS AWARENESS MONTH**
- 2. EL PASO, TEXAS AMERICA'S MOST PATRIOTIC CITY**
- 3. FOOD FROM THE WOMEN'S BAR ASSOCIATION DAYS**
- 4. TEACHERS FEDERAL CREDIT UNION 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 members of the public commented:

1. Mr. Jerry Thiedt
2. Ms. Lisa Turner
3. Mr. Raul Castaneda

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **APPOINT** Representative Quintana as Temporary Deputy Mayor Pro Tempore for today's meeting.

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Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41a.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 Acosta, Robinson, and Holguin

Motion made by Representative Lilly, seconded by Representative Ortega, and 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: Representatives Acosta, Robinson, and O'Rourke

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EX1. Loan No. ED-0001A (Chapter 380 Economic Development Program Agreement) to Centro Mayapan, Inc.

Motion made by Representative Byrd, seconded by Representative Lilly, and carried that the City Attorney, in consultation with the City Manager, authorized settlement authority to negotiate settlement in relation to the City's Loan No. ED-0001A (Chapter 380 Economic Development Program Agreement) to Centro Mayapan, Inc.; and that the City Manager be authorized to execute and file any and all documents related to such proposed settlement.

NOT PRESENT FOR THE VOTE: Representative Robinson
ABSTAIN: Representative Acosta

Representatives Quintana and Holguin commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice

Ms. Lisa Turner, citizen, commented.

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EX2. William D. Abraham, as Trustee for the Franklin Group, L.P. vs. the City of El Paso, Texas et. al.; Cause No. 2007-688.

Motion made by Representative Byrd, seconded by Representative Ortega, and carried that the City Attorney's Office be authorized settlement authority, to accept settlement agreement and sign all documents to resolve the lawsuit styled William D. Abraham, as Trustee for the Franklin Group, L.P. vs. the City of El Paso, Texas et. al.; Cause No. 2007-688.

NOT PRESENT FOR THE VOTE: Representative Robinson
ABSTAIN: Representative Acosta

Representative Ortega commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice

Ms. Lisa Turner, citizen, commented.

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EX3. Fernando Armendariz vs. The City of El Paso; Cause No. 2005-3353 (551.071)

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **DELETE** the item regarding Fernando Armendariz vs. The City of El Paso; Cause No. 2005-3353.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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1. LIBRARIES

Presentation by the El Paso Youth Council (EPYC), established to advise the Mayor and City Council, regarding their activities for the year as well as their community service projects.

Ms. Dionne Mack-Harvin, Director of Libraries, commented.

The following members of the El Paso Youth Council commented

- 1. Ms. Shanaya Fastje
- 2. Ms. Samantha Stiles
- 3. Ms. Diana Howell
- 4. Ms. Hannah Hollandbyrd
- 5. Ms. Ashley Levey
- 6. Mr. Brenden Valtivia
- 7. Ms. Amber De La Cruz
- 8. Ms. Sofia Lopez
- 9. Mr. Sebastian Roman
- 10. Ms. Mikaela Reyes
- 11. Mr. Jordan Lopez
- 12. Mr. Max Roman

NO ACTION was taken on this item.
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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, 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, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 17, 2011 and the Special City Council Meeting of May 19, 2011.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

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

That the City Manager be authorized to begin termination proceedings for the Butterfield Trail Industrial Park Lease by and between the City of El Paso and El Paso Owners, LLC for the following property: all of Lot 2 and a portion of Lot 2B, Block 1, Butterfield Trail Industrial Park, Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas municipally known and numbered as #4 and #6 Butterfield Trail.

Representative Ortega commented.

Ms. Monica Lombrana, Director of Aviation, commented.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4B.

***RESOLUTION**

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

That the City Manager be authorized to begin termination proceedings for the Butterfield Trail Industrial Park Lease by and between the City of El Paso and El Paso Owners, LLC for the following property: a portion of Lots 2B and 2C, Block 1, Butterfield Trail Industrial Park, Unit One, Replat "A", an Addition to the City of El Paso, El Paso County, Texas and municipally known and numbered as #9 Zane Grey.

Representative Ortega commented.

Ms. Monica Lombrana, Director of Aviation, commented.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4C.

***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 Lease No. GS-0713-16867, effective Nov. 1, 2011, by and between the City of El Paso and the United States of America for space in the terminal building of the El Paso International Airport to be occupied by the Transportation Security Administration, and that the City Manager be authorized to sign any related supplemental lease agreements which may change the effective date, increase or decrease the square footage leased and the corresponding adjustment to the rental rate or operating cost rate, and the exercise of a renewal option.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4D. AIRPORT

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution authorizing the City Manager to begin termination proceedings for the Non-Commercial Aviation Ground Lease by and between the City of El Paso and Blue Falcon Corporation for the following property: Lot 21 and the east half (1/2) of Lot 20, Block 4, El Paso International Airport Tracts, Unit 2, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 7309 Boeing Drive.

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4E.

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

WHEREAS, on February 23, 2010, the City Council approved a joint resolution of the City of El Paso and the County of El Paso to support the bid to bring the 2011 Conference USA Basketball Tournament to El Paso, and in November 2010, the City entered into an agreement with the County, the El Paso Sports Commission and UTEP regarding potential financial support; and

WHEREAS, part of the City's support included event support, promotion and advertising services that are routinely undertaken by the City's Convention and Visitor's Bureau as part of its standard activities and responsibilities, which resulted in expenses attributable to the event; and

WHEREAS, pursuant to the October 20, 2009 resolution of the City Council, the City Manager submitted an application to the State Comptroller to seek Texas Event Trust funds, and on November 19, 2010, the State Comptroller's Office provided notice to the City that its bid to participate was successful, and that the City could expect to receive up to \$226,158 from the Trust Fund if matched by \$36,712 in contributions by the City.

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

That in support of the City's application to seek Texas Event Trust funds in conjunction with the Conference USA tournament, the payment of the City's required match of \$36,712 is ratified, and the City Manager or her designee is authorized to seek disbursement of the Trust Funds for all qualified City expenditures as are allowed by state law.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4F.

***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 Mayor be authorized to sign an Agreement to Contribute Funds with the Texas Department of Transportation (TxDOT) for the acquisition of right of way and adjustment of utilities for a highway project on Highway No. Spur 276, north of Borderland Rd. The City's contribution is \$420,288.00, which represents 8.8 percent of the estimated total of the cost of the right of way.

Representatives Lilly, Byrd, and O'Rourke, commented.

Mr. Daryl Cole, Director of Department of Transportation, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Acosta, Quintana, Holguin, Ortega, O'rourke

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative Robinson

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4G.

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

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

WHEREAS, Leo's Mexican Food Restaurant and Cantina (hereinafter referred to as "Grantee") is sponsoring a Retro Block Party (hereinafter referred to as "Event"), from Saturday, May 28, 2011 to Sunday, May 29, 2011; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for twenty-four (24) hours on Mills Avenue between Kansas Street and Stanton Street from 7:00 am Saturday, May 28, 2011, to 7:00 am Sunday, May 29, 2011, in conjunction with the Event; and

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

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and service of alcoholic beverages at the Retro Block Party in the closed portion of City rights-of-way on Mills Avenue between Kansas Street and Stanton Street from 6:00 pm Saturday, May 28, 2011 to 2:00 am Sunday, May 29, 2011.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4H.

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

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

WHEREAS, O.P.E.P. (hereinafter referred to as "Grantee") is sponsoring a Memorial Day Foam Party (hereinafter referred to as "Event"), from Sunday, May 29, 2011 to Monday, May 30, 2011; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on Ochoa Street between First Avenue and Paisano Drive from 4:00 pm Sunday, May 29, 2011, to 4:00 am Monday, May 30, 2011, in conjunction with the Event; and

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

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and service of alcoholic beverages at the Memorial Day Foam Party in the closed portion of City rights-of-way on Ochoa Street between First Avenue and Paisano Drive from 9:00 pm Sunday, May 29, 2011 to 2:00 am Monday, May 30, 2011.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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4I.

***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 the Agreement for Professional Services by and between the City of El Paso and Wright & Dalbin Architects, Inc. a Texas Corporation, for a project known as "EL PASO ANIMAL SHELTER UPGRADES AND RENOVATION" for an amount not to exceed \$448,100 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$498,100.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

Motion made, seconded, and unanimously carried to **APPROVE** the Resolution.

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TAKEN WITH 12D.

4J.

R E S O L U T I O N

WHEREAS, International Property Maintenance Code, 2009 Edition, Section 109 (Emergency Measures) authorizes the building official to take emergency action, when in the opinion of the building official there is imminent danger of a failure or collapse of a building or structure which endangers life; and

WHEREAS, on the evening of May 17, 2011, the building at 906-908 North Mesa Street, El Paso, Texas, suffered extensive damage as a result of a fire; and

WHEREAS, on May 18, 2011, the Building Official for the City of El Paso declared the building at 906-908 North Mesa Street to be in imminent danger of failure or collapse thereby endangering life, and ordered its demolition; and

WHEREAS, The City selected Border Demolition & Environmental, Inc. to perform the emergency demolition of the building located at 906-908 North Mesa Street, at an estimated cost not to exceed \$350,000; and

WHEREAS, Local Government Code Section 252.022(a)(2) exempts from State procurement requirements, procurements necessary to preserve or protect the public health or safety of the municipality's residents; and

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

That the emergency demolition of 906-908 North Mesa Street, El Paso, Texas, be ratified and that the City Manager be authorized to sign a Contract for Demolition and Removal Services by and between the City of El Paso and Border Demolition & Environmental, Inc. for a project known as "EMERGENCY DEMOLITION AT 906-908 NORTH MESA STREET" for an amount not to exceed \$350,000.

Ms. Cassandra Hernandez, Representative Ortega's office, presented a PowerPoint presentation, (copy on file in City Clerk's office)

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

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. R. Alan Shubert, City Engineer
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR** and take with item 12D.

2ND AND FINAL MOTION

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

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

NAYS: Representative Holguin

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TAKEN WITH 11H. AND 11I.

4K.

RESOLUTION

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the “Code”) was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivisions of land in order to further the orderly layout and use of land; and,

WHEREAS, on June 3, 2008, the City Council of El Paso passed a Resolution adopting a Design Standards for Construction Manual that will be used by developers subdividing property within the City of El Paso and the City’s Extra Territorial Jurisdiction; and,

WHEREAS, the City Council adopted a Resolution on January 6, 2011 detailing the relationship between the built environment and obesity and directed the City Manager to recommend subdivision code changes code changes to increase opportunities for physical activity; and,

WHEREAS, the City Council has determined that providing pedestrian friendly paths, to include adequate sidewalks, will encourage more use of such paths and opportunities for physical activity;

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

That the City of El Paso’s Design Standards for Construction Manual, Section 3 (Streets), be amended to require a minimum landscape area width of 5 feet on street cross sections 3-1 through 3-9, as illustrated in Attachment A.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Quintana, Byrd, Holguin, Lilly, Robinson, O’Rourke, and Ortega commented.

The following City Staff members commented:

1. Mr. Daryl Cole, Director of Department of Transportation
2. Ms. Lupe Cuellar, Assistant City Attorney

The following citizen commented:

1. Mr. Ray Adauto, El Paso Builders Association
2. Ms. Lisa Turner

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR** and take with items 11H and 11I.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Robinson to **SUSPEND THE RULES** of order to allow for additional speakers to address the Council after the sign-up period.

3RD MOTION

Motion made by Representative Byrd, seconded by Representative Ortega to **APPROVE AS REVISED** the City of El Paso's Design Standards for Construction Manual, Section 3 (Streets), be amended to require a minimum sidewalk width of 6 feet and a minimum landscape area width of 5 feet on street cross sections 3-1 through 3-9.

AYES: Representatives Byrd, Ortega, and O'Rourke

NAYS: Representatives Lilly, Acosta, Robinson, Quintana, and Holguin

THE MOTION FAILED.

4TH AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **APPROVE AS REVISED** the Resolution.

AYES: Representative Lilly, Byrd, Robinson, Ortega, and O'Rourke

NAYS: Representatives Acosta, Quintana, and Holguin

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4L.

***RESOLUTION**

WHEREAS the Town of Horizon City, Texas, ("Horizon") a home-rule municipality, has petitioned the City of El Paso, Texas ("El Paso") a home-rule municipality to have certain parcels consisting a total of approximately 569 acres released from the extraterritorial jurisdiction ("ETJ") of El Paso to permit the annexation of such property into the Town of Horizon City, Texas; and,

WHEREAS, the Town of Horizon City, Texas, has, pursuant to Section 42.023 of the Texas Local Government Code, requested written consent to a reduction in the extraterritorial jurisdiction of the City of El Paso, Texas and consent to the annexation of such lands into the Town of Horizon City, Texas from the City Council of the City of El Paso, Texas; and,

WHEREAS, Section 42.023 of the Texas Local Government Code requires the written consent by ordinance or resolution of the governing body of the municipality prior to reducing the municipalities ETJ; and,

WHEREAS, the City Plan Commission has recommended the reduction of El Paso's ETJ located in a portion of Surveys 21 and 22, Block 79, Township 3, Texas and Pacific Railroad Company Survey, El Paso County, Texas;

WHEREAS, the El Paso City Council consents to the release of the land, provided that the land is placed in Horizon City's annexation plan within six months and is annexed in accordance with state law;

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

1. **THAT**, pursuant to the provisions of the Texas Local Government Code, the City of El Paso, Texas hereby consents to a reduction in the City of El Paso's extraterritorial jurisdiction of the property described as a portion of Surveys 21 and 22, Block 79, Township 3, Texas and Pacific Railroad Company Survey, El Paso County, Texas which is more fully described in the attached metes and bounds descriptions, identified as Exhibit "A," and an attached survey of said property, identified as Exhibit "B," and made a part hereof by reference.

2. This authorization for reduction of extraterritorial jurisdiction made by the City of El Paso is given, subject to the following conditions:

a. That such authorization and consent is for the purpose of allowing Horizon City to place the property described in the above paragraph into Horizon City’s annexation plan and to initiate annexation proceedings and complete annexation proceedings, as required under state law.

b. Horizon City must place the land in its annexation plan within six months from the date of this authorization and consent and complete annexation proceedings within the time period specified under the state statute. Failure to place the land in Horizon City’s annexation plan within six months, removal of the land from Horizon City’s annexation plan, or failure to complete annexation within the statutory period after placement in the annexation plan shall terminate this authorization and consent and the land shall be placed back into the City of El Paso’s extraterritorial jurisdiction.

3. The City of Horizon understands that the City of El Paso’s consent to release the above land from the City of El Paso’ extraterritorial jurisdiction is conditioned on Horizon City’s compliance with the conditions of this Resolution and should the City of Horizon fail to comply with such conditions, the City of Horizon agrees that the land described in this Resolution shall be placed back into the City of El Paso’ extraterritorial jurisdiction.

4. Except as herein provided, no further reduction or release in extraterritorial jurisdiction of the City of El Paso is intended by this resolution.

5. If the areas proposed to be annexed are annexed as provided by law, such areas shall have no extraterritorial jurisdiction which lie within or overlap the present extraterritorial jurisdiction of the City of El Paso.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives O’Rourke, Byrd, Holguin, and Ortega commented.

Mayor Walter Miller, Mayor of Horizon City, commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

2ND MOTION AND FINAL

Motion made by Representative Quintana, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** the Resolution.

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5A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Engineering and Construction Management Department to issue a Purchase Order to T.F. Harper & Associates, a contractor under the Education Service Center Region 19 Purchasing Cooperative, Contract #346-10, for an interactive water play feature known as a splash pad. Participation by the City of El Paso in the Education Service Center Region 19

Purchasing Cooperative was approved by City Council March 4, 2008. Total Recommended Estimated Award: \$230,170.

Representative Ortega commented.

The following City Staff members commented:

- 1. Mr. Bruce Collins, Purchasing Manager
- 2. Mr. Sam Rodriguez, Engineering Division Manager

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5B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2008-188R (Professional Auditing Services) with BKD, LLP for one additional year pursuant to the provisions of an award approved by the City Council on July 1, 2008, in conjunction with the City's audit for the fiscal year ended August 31, 2011, and sign an Agreement for Professional Auditing Services for fiscal year 2011.

Department:	Financial Services
Award to:	BKD, LLP Dallas, TX
Option:	Three [of Four]
Estimated Amount:	\$335,420 (Total for 1 year extension)
Funding Source:	Various

This is a RFP, service contract.

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5C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Aquatic Environmental Systems, Inc. to improve the Armijo Community Center Pool and Pavo Real Community Center Pool by bringing the pools into compliance with a new UV treatment filtration system which will provide safer and cleaner swimming pools to the public. This purchase is exempt under state law because the purchase preserves and protects the public health of the City's residents under Local Government Code.

Department:	General Services
Award to:	Aquatic Environmental Systems, Inc. Tempe, AZ
Unit Amount:	\$29,223.75 (Armijo Community Center Pool) \$25,360 (Pavo Real Community Center Pool)
Total Award:	\$54,583.75 (for 2 systems)
Funding Source:	General Services, Facilities Maintenance – Citywide Rehab
Reference No.:	2011-256

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

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5D. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to SirsiDynix Corporation, the sole source provider

of maintenance for Horizon Automated Library Software and other SirsiDynix software in the estimated amount of \$58,907.43.

Department: Information Technology
Award to: SirsiDynix Corporation
Provo, UT
Total Estimated Amount: \$58,907.43
Funding Source: Information Technology – General Funds
Sole Source No.: 2011-270

This is a Sole Source, services contract.

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5E. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Facilities Connection, Inc. a contractor under Texas Multiple Award Schedule (TXMAS) Contracts Nos. TXMAS 3-711050-6, 3-711060, and 8-711060, for furniture and related equipment for Phase II of the grant funded ARRA Broadband Technology Opportunities Program, (BTOP) Virtual Village. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: Libraries
Award to: Facilities Connection, Inc.
Vendor Location: El Paso, TX
Total Estimated Award: \$459,753.15
Funding Source: ARRA BTOP Virtual Village
Reference No.: 2011-237

This is a Cooperative, unit price contract.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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6. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-025 Towing of Motor Vehicles – City Owned to Sun City Towing & Recovery, LP for an initial term estimated award of \$345,000.

Department: General Services
Award to: Sun City Towing & Recovery, LP
El Paso, TX
Items: All
Initial Term: 3 Years
Option: 2 Years
Annual Estimated Award: \$115,000

Initial Term Estimated Award: \$345,000 (3 Years)
 Total Estimated Award: \$575,000 (5 Years)
 Funding Source: General Fund – Equip Outside Repairs/Svcs NOC

This is a Best Value, service contract.

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 Financial Services - Purchasing Division and General Services recommend award as indicated to Sun City Towing & Recovery, LP, the bidder offering the best value bid.

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7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-212 (Furnish & Install New, Rolling, Overhead, Steel Doors) to Amarr Company for a total award of \$73,462.63.

Department: Aviation
 Award to: Amarr Company
 Winston-Salem, NC
 Items: All
 Total Award: \$73,462.63
 Funding Source: Air Cargo #2 Roof & Tenant Imp – Construction

This is a low bid, unit price purchase.

The Financial Services - Purchasing Division and Department of Aviation recommend award as indicated to Amarr Company, the lowest responsive, responsible bidder.

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8. INTRODUCTIONS

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

- 8A.** An Ordinance authorizing the City of El Paso to sell approximately 2,420 square feet, situated in Block 4, of the Socorro Grant, El Paso County, Texas and being a portion of Lot 6 and Lot 7, Block 1, Delop Subdivision, El Paso County, Texas (Parcel 19), to the State of Texas, acting by and through the Texas Department of Transportation, said parcel to be included in a highway construction project for FM Highway 76.
- 8C.** An Ordinance terminating the franchise granted by the City of El Paso and accepted by Alta Vista Construction Group, L.L.C. in Ordinance No 016926 for placement of benches at bus stops on city rights of way.

PUBLIC HEARING WILL BE HELD ON MAY 31, 2011, FOR ITEMS 8A & 8C

- 8B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape) of the El Paso City Code to modify and add additional definitions, to modify the landscapable area, to require parkway and frontage area landscaping and a landscape buffer between commercial and residential

development, to modify the required plant units and parking lot trees, and to add provisions for street trees. The penalty being as provided in Section 18.46.180 (Violations – Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 7, 2011, FOR ITEM 8B

8D. An Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2011, FOR ITEM 8D

9A. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **AWARD** Solicitation No. 2011-143 (Permit-Based Third Party Residential Building Inspectors) to Bureau Veritas North America, Inc., Code Compliance Inspections, PC, ECM International, Inc. and Michelle's Venture's dba Vision Consultants, Inc. for an initial term estimated award of \$12,456,000.

Department: Engineering and Construction Management
Award to: Vendor 1: Bureau Veritas North America, Inc.
Plano, TX
Items: All
Initial Term: 3 years
Option: None
Annual Estimated Award: \$1,300,000
Total Estimated Award: \$3,900,000 (3 years)

Award to: Vendor 2: Code Compliance Inspections, PC
El Paso, TX
Items: All
Initial Term: 3 years
Option: 1 year
Annual Estimated Award: \$976,000
Initial Term Estimated Award: \$2,928,000 (3 years)
Total Estimated Award: \$3,904,000 (4 years)

Award to: Vendor 3: ECM International, Inc.
El Paso, TX
Items: All
Initial Term: 3 years
Option: None
Annual Estimated Award: \$900,000
Total Estimated Award: \$2,700,000 (3 years)

Award to: Vendor 4: Michelle's Venture's dba Vision Consultants, Inc.
El Paso, TX
Items: All
Initial Term: 3 years
Option: 1 year
Annual Estimated Award: \$976,000

Initial Term Estimated Award: \$2,928,000 (3 years)
Total Estimated Award: \$3,904,000 (4 years)
Funding Source: Permit revenues are sourced to the General Fund;
Restricted Fund will be the pass-through for the
Third-Party Service Providers

This is a Best Value, service contract.

The cost under this 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 Financial Services - Purchasing Division and Engineering and Construction Management Departments recommends award as indicated to Bureau Veritas North America, Inc., Code Compliance Inspections, PC, ECM International, Inc., and Michelle's Venture's dba Vision Consultants, Inc. the bidders offering the best value bids.

Mayor Cook and Representatives Acosta, Robinson, Quintana, Ortega, and Byrd

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice
3. Mr. Richard Bristol, Administrative Services Manager
4. Mr. Victor Morrison - Vega, Deputy Director of Planning and Economic Development

The following citizens commented:

1. Ms. JoAnn Carrizal
2. Ms. Kelly Sorenson, owner, Vision Consultants
3. Ms. Lisa Turner

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9B. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2011-161 for the Capistrano Park Improvements to CPME, L.L.C., for a total estimated amount of \$73,280.67.

AYES: Representatives Lilly, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd

Department: Engineering and Construction Management
Award to: CPME, L.L.C.
Base Bid: \$73,280.67
Total Estimated Completion: \$73,280.67
Funding Source: Community Development Block Grant

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.

Work under this unit price contract is only an estimated 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 value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder.

Representative Holguin commented.

Mr. Richard Bristol, Administrative Services Manager, commented

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10A. GENERAL SERVICES

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2011-172 Vans – Propane Fuel to Casa Ford, Inc. for a total award of \$708,784.25.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana

Department: General Services
Award to: Casa Ford, Inc.
El Paso, TX
Items: 1 and 2
Option: To purchase up to 100% at the same unit price if exercised within 360 days from date of award
Unit Amount: \$28,194.97 (1/2 ton cargo van)
\$28,364.97 (3/4 ton cargo van)
Total Award: \$708,784.25 (for 25 vans)
Funding Source: FY2009A CO's – Cars-Pickups-Vans
EECBG Grant – Vehicular Equipment

This is a low bid, unit price purchase.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Casa Ford, Inc., the lowest responsive, responsible bidder.

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10B. GENERAL SERVICES

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2011-171 (Trucks – Gasoline and Diesel Fuel) to Casa Ford Inc., and Dick Poe Dodge LP for an initial term estimated award of \$1,119,000.

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

Department: General Services
Award to: Vendor 1 Casa Ford Inc.
El Paso, TX
Items: Group I, Items 1 and 2;
Group II, Items 1, 2 and 8;
Group III, Item 1;
Group IV, Item 5
Initial Term: 3 years
Option: 2 years
Annual Estimated Award: \$293,000
Initial Term Estimated Award: \$879,000 (3 years)
Total Estimated Award: \$1,479,000 (5 years)

Award to: Vendor 2 Dick Poe Dodge LP
El Paso, TX
Items: Group I, Item 3;
Group II, Items 3 and 7;
Group IV, Item 6
Initial Term: 3 years
Option: None
Annual Estimated Award: \$80,000
Initial Term Estimated Award: \$240,000 (3 years)

Annual Estimated Award: \$373,000
Initial Term Estimated Award: \$1,119,000 (3 years)
Total Estimated Award: \$1,719,000 (5 years, \$1,479,000 + \$240,000)
Funding Source: FY2009A CO's – Cars-Pickups-Vans
Fleet Replacement Equip
Notes – Vehicular Equipment

This is a Best Value, unit price contract.

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 Financial Services - Purchasing Division and General Services recommend award as indicated to Casa Ford Inc. and Dick Poe Dodge LP, the bidders offering the best value bids.

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11A.

ORDINANCE 17563

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 57, NELLIE D. MUNDY SURVEY NO. 241, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Lilly commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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

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11B.

ORDINANCE 17564

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN TO REDUCE THE LOT DEPTH FOR ALL OF LOT 29, BLOCK 13, TRES SUENOS AMENDING UNIT 4, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150 AND SECTION 20.10.360 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Byrd commented.

Motion duly made by Representative Ortega, 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, Acosta, Robinson, Ortega, and O'Rourke

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

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

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ITEMS 11C and 11D TAKEN TOGETHER

11C.

ORDINANCE 17565

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1, 2, 3, AND THE EAST ½ OF LOT 4, BLOCK 15, WOODLAWN ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

11D.

ORDINANCE 17566

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON11-00006, TO ALLOW FOR INFILL DEVELOPMENT AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1, 2, 3, AND THE EAST ½ OF LOT 4, BLOCK 15, WOODLAWN ADDITION, 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.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representative Acosta commented.

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, 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 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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11E.

ORDINANCE 17567

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), APPENDIX A (PERMISSIBLE USES) AND APPENDIX C (TABLE OF PARKING REQUIREMENTS AND STANDARDS) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR TRANSITIONAL HOUSING AND TO DESIGNATE WHERE TRANSITIONAL HOUSING WILL BE ALLOWED. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office)

Mayor Cook and Representative Robinson commented.

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED AS REVISED**. 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, Acosta, Robinson, 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 AS REVISED**.

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11F.

ORDINANCE 17568

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 17 THROUGH 21 AND A PORTION OF LOT 22, BLOCK 16, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3/H (APARTMENT/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative O'Rourke commented.

Ms. Leslie Bergloff, Magoffin House Director, commented.

Motion duly made by Representative O'Rourke, 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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11G.

ORDINANCE 17569

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 2, BUTTERFIELD TRAIL AVIATION PARK UNIT TWO, ALL OF BUTTERFIELD TRAIL AVIATION PARK UNIT THREE, AND PORTIONS OF SECTIONS 22, 23, 26, AND 27, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT), C-4 (COMMERCIAL) AND M-1 (LIGHT MANUFACTURING) TO SCZ (SMART CODE ZONE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 21.60 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Acosta and Byrd commented.

Ms. Monica Lombrana, Aviation Director, commented.

Ms. Susan Henderson, Principal Director of Design with Placemakers, commented.

Motion duly made by Representative 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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ITEMS 4K, 11H, AND 11I TAKEN TOGETHER

11H.

ORDINANCE 17570

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.21 (SIDEWALKS) SECTION 19.21.020 (GENERAL REQUIREMENTS) AND CHAPTER 19.15 (ROADWAYS) SECTION 19.15.110 (STREET WIDTH AND DESIGN, TABLE 19.15-3 WIDTHS/DESIGN REQUIRED BY STREET TYPE), 19.15.090 (CUL DE SAC STREETS), TABLE 19.15-1 (WIDTH FOR CUL DE SAC STREETS FOR CERTAIN ACTIVITIES) OF THE EL PASO CITY CODE TO AMEND CUL DE SAC STANDARDS AND REQUIREMENTS. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

11I.

ORDINANCE 17571

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.15 (ROADWAYS), SECTION 19.15.060 (STREET STANDARDS) AND SECTION 19.15.080 (STREET LENGTH) OF THE EL PASO CITY CODE TO AMEND ACCESS TO LOTS AND STREET LENGTH PROVISIONS THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Mayor Cook and Representatives Quintana, Byrd, Holguin, Lilly, Robinson, O’Rourke, and Ortega commented.

The following City Staff members commented:

- 1. Mr. Daryl Cole, Director of Department of Transportation
- 2. Ms. Lupe Cueller, Assistant City Attorney

The following citizen commented:

- 1. Mr. Ray Aduato, El Paso Builders Association
- 2. Ms. Lisa Turner

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR** item 4K and take with items 11H and 11I.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Robinson to **SUSPEND THE RULES** of order to allow for additional speakers to address the Council after the sign-up period.

3RD AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinances be **ADOPTED AS REVISED**. 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, Robinson, Ortega, and O'Rourke
NAYS: Representatives Acosta, Quintana, and 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 AS REVISED**.

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12A. MAYOR AND COUNCIL

Discussion and action on amending the City's Ethics Code to read: "No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or service, except on behalf of the City as an officer or employee."

Mayor Cook and Representatives Byrd, Acosta, Robinson, and Quintana, commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Elaine Hengen, Senior City Attorney gave legal advice
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **WORK** with the Ethics Commission to have the Ethics Commission look at changes which can be made right now to the Ethics Ordinance, to make it much more clear, that our expectation is, that if you are going to serve on a board, that you do not do business with the City, and to **SEND** this to a City Charter Commission for review.

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

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12B. MAYOR AND COUNCIL

Discussion and action to amend the Municipal code to allow for a sale of goods in a park for fundraising purposes.

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

The following City Staff members commented:

- 1. Mr. Charlie McNabb, City Attorney, gave legal advice
- 2. Ms. Nanette Smejkal, Director of Parks and Recreation

Ms. Lisa Turner, citizen, commented.

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **AMEND** the Park Use Policy to allow registered Neighborhood Associations to hold fundraisers in neighborhood parks,

the proceeds of which would have to be spent in the neighborhood, as provided by the City Council with the funds being used as a Municipal purpose.

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

NAYS: Representative Robinson

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12C. MAYOR AND COUNCIL

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **POSTPONE** one week the item regarding opening up San Jacinto Park to the public, to include removing fencing and signs.

NOT PRESENT FOR THE VOTE: Representative Quintana

Representatives Ortega and O'Rourke presented a PowerPoint presentation, (copy on file in City Clerk's office).

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

The following City Staff members commented:

- 1. Ms. Nanette Smejkal, Director of Parks and Recreation
- 2. Ms. Debbie Hamlyn, Deputy City Manager of Community Services

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TAKEN WITH 4J.

12D. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried for the City to take as aggressive posture as possible in regards to cost recovery, proactive remediation, and State law advocacy, to **DIRECT** the City Manager to convene a Committee to make recommendations to City Council on how we can accomplish these goals, as a result of the municipal costs associated with the burned and demolished four-story building on the 900 block of North Mesa.

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

NAYS: Representative Holguin

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

The following City Staff members commented.

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney
- 3. Mr. R. Alan Shubert, City Engineer

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12E. MAYOR AND COUNCIL

Legislative Review Committee Report:

- 1. For notation: Formal report of the Economic Development, Planning and Tourism Legislative Review Committee meeting held on April 21, 2011, as submitted by Representative Steve Ortega, Chair; and,

2. Discussion pertaining to the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on terms for a lease of City-owned land in the MCA area to MCA Foundation to be conditioned on leasehold improvements, to include construction of a medical related building on the site, and other consideration. [Planning and Economic Development, Kathryn B. Dodson, (915) 541- 4670]
 - b. Presentation and discussion on a potential Smart Code Master Planned development located near the intersection of I-10 and Executive Center Drive. [Planning and Economic Development, Kathryn B. Dodson, (915) 541-4670]
 - c. Staff status report and discussion on the implementation of the Chamizal Neighborhood Revitalization Strategy, the Lower Dyer Neighborhood Revitalization Strategy and the Segundo Barrio Revitalization Strategy. [Community Development, Mark Weber, (915) 541-4918]
 - d. Discussion and action on economic development related negotiations and possible incentives for business prospect GM-033111. (551.087) [Planning and Economic Development, Kathryn B. Dodson, (915) 541-4670]

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

The following City Staff members commented:

1. Mr. Ernesto Gamboa, Economic Development Manager,
2. Ms. Debbie Hamlyn, Deputy City Manager of Community Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice
4. Mr. William Lilly, Director of Community and Human Development

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on this item.

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 Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:53 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk