

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 25, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor Pro Tempore Emma Acosta present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 8:41 a.m. during Executive Session deliberations. Absent: Mayor John F. Cook requested to be excused. The invocation was given by Police, Fire, & CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

- 1. TEEN FEST 2010**
- 2. STAY TEEN DAY**

RECOGNITION

The Texas Council on Cardiovascular Disease and Stroke presents the Gold Award for the Heart and Stroke Healthy City Recognition Program to the City of El Paso

PRESENTATION

DESERT VIEW YOUTH IMPACT STUDENTS

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. Ms. Lisa Turner
2. Mr. Salvador Gomez
3. Mr. Steve Strumer

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and unanimously carried to grant the authority to the City Attorney to file a Motion in Intervention on behalf of the City for the Application of El Paso Electric Company to Implement an Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 38253.

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EX5. Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Review of Rate Setting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988. (551.071)

Representative Byrd and Robinson commented.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to grant the authority to the City Attorney to file a Motion in Intervention on behalf of the City for the Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Rate Review of Rate Setting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988.

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1. LIBRARY:

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

Ms. Carol Brey-Casiano, Director of Libraries, commented.

NO ACTION was taken on the item.

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CONSENT AGENDA

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

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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 18, 2010.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular City Council meeting of May 25, 2010.

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4.

***RESOLUTION**

That the City Manager is authorized to sign the License for Fiber Optic Line with the BNSF Railway Company for the installation of fiber optic lines across railway company right-of-way between mile posts 1147.90 to 1149.40 which is an area parallel to Doniphan between Doniphan Park and Sunset Road, El Paso, Texas. The one time license fee cost to the city is \$2,500.00.

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5A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division to exercise the City’s option to extend current Contract 2007-122 (Waste Removal and Disposal Services) with Envirosolve, Inc. for two additional years pursuant to the provisions of an award approved by the City Council on May 22, 2007. Extended contract period will be from June 5, 2010 to June 4, 2012.

Department: Environmental Services
Funding Source: Environmental Services – Environmental Contracts
Option: One [of One]
Total Estimated Amount: \$100,000 (Total for 2 year extension)

Representative Quintana commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

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5B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division to issue Purchase Order to i2, Inc., the sole source provider for software and consulting services for designing and importing and implementing existing databases into a centralized information system for use by the Police Department.

Additionally, it is requested that the City Attorney’s Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department: Police
Funding Source: UASI Funds FY2008 Grants
Total Estimated Award: \$226,426
Sole Source No.: 2010-225

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5C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division to issue Purchase Order to i2, Inc., a GSA contractor under the Cooperative Purchasing Program GSA Contract, Schedule 70, GS-35F-0241J for i2 Analysis Suite 7 product licenses, maintenance and support for investigative analysis software for use by the Police Department.

Additionally, it is requested that the City Attorney’s Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department: Police
Funding Source: UASI Funds FY2008 Grants
Total Estimated Amount: \$122,670
Reference No.: 2010-226

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6A1.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2006-049 to Cummins Rocky Mountain of El Paso, Texas, on January 10, 2006, for Auxiliary Generator Maintenance for General Services Department, Building Maintenance Division; and

WHEREAS, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminate said Contract for convenience pursuant to the provisions of the Contract; and

WHEREAS, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Cummins Rocky Mountain, that the City is terminating Contract No. 2006-049 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of May 25, 2010.

Representative Quintana commented.

Mr. Stuart Ed, Director of General Services, commented.

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6A2. BEST VALUE PROCUREMENT AND OTHER:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-102 (Auxiliary Generator Maintenance) to Cummins Rocky Mountain LLC, for a total estimated award of \$222,000.

Department:	General Services – Building Maintenance Division
Award to:	Cummins Rocky Mountain LLC El Paso, TX
Items:	Part 1, Items 1 thru 13, Part 2, Part 3, & Part 4
Option:	2 Years
Annual Estimated Amount:	\$74,000
Funding Source:	General Fund
Total Estimated Award:	\$222,000 (3 Years)

This is a thirty-six month requirements type 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 Departments of Financial Services, Purchasing Division, and General Services – Building Maintenance recommend award to Cummins Rocky Mountain LLC, the vendor offering the best value bid.

Representative Quintana commented.

Mr. Stuart Ed, Director of General Services, commented.

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7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-136 (Navistar (International) Proprietary Parts and Service) to RJ Border Management, LLC for a total estimated award of \$260,000.

Department: General Services – Fleet Division
Award to: RJ Border Management, LLC
El Paso, TX
Item(s): All
Option: 1 Year
Annual Estimated Amount: \$130,000
Funding Source: Internal Service Fund
Total Estimated Award: \$260,000 (2 Years)

This is a twenty-four month requirements type 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 Departments of Financial Services, Purchasing Division, and General Services – Fleet Division recommend award as indicated to the sole responsive, responsible bidder.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-180 for Micro Surfacing 2010, to Intermountain Slurry Seal, Inc., for a total estimated amount of \$394,475.

Department: Streets
Award to: Intermountain Slurry Seal, Inc.
Base Bid: \$394,475
Total Estimated Award: \$394,475
Funding Source: 2009 Certificates of Obligation

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 Street Director 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 Street Department recommends award as indicated to the lowest responsible bidder.

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7C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-123 (High Pressure Coupled Hose Line, Hose Machines Rental and Field Service) to Granberry Supply Corp DBA Hosepower USA for a total estimated award of \$240,000.

Department: General Services – Fleet Division
Award to: Granberry Supply Corp DBA Hosepower USA
El Paso, Texas
Items: All Items: Part A, B & C
Option: Two Years
Annual Estimated Amount: \$80,000
Funding Source: Internal Service Fund
Total Estimated Award: \$240,000 (3 year total)

This is a thirty-six month requirements type 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 Departments of Financial Services, Purchasing Division, and General Services – Fleet Division recommend award as indicated, to the lowest responsive, responsible bidder.

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8A. – 8D. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Quintana, 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:

8A. An Ordinance amending El Paso City Code, to uniformly define and use the terms “legal holiday” and “city observed holiday” within the City Code, to define the terms by amending Title 1 (General Provisions), Section 1.40.030 (Definitions and rules of construction); to change the word “holidays” to “legal holidays” by amending Title 5 (Business Taxes, Licenses and Regulations) Section 5.44.040 (Registration – form – filing), Title 9 (Health and Safety) Section 9.40.120 (Exemptions), Title 12 (Vehicles and Traffic) Sections 12.52.060 (Stopping, standing or parking prohibited during certain hours on any day), 12.88.170 (Schedule XVI-Parking limited on certain streets on all days), 12.88.180 (No stopping or standing-Tow-away Zone), and 12.88.190 (No stopping or standing at any time), Title 14 (Aircraft and Airports) Section 14.20.250 (Meters), and Title 18 (Building and Construction) Section 18.02.103.1.1.8 (Emergency work); to change the word “holidays” to “city observed holidays” by amending Title 18, Section 18.02.109.1.1.5 (Non-business hours inspection fee); and to eliminate other separate definitions of “legal holiday” by amending Title 12, Section 12.44.170 and Title 13 (Streets, Sidewalks and Public Places) Sections 13.28.010 and 13.36.010.

8B. An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and Woodworkers Club of El Paso, Texas, Inc., for the lease of the property at 3228 Sacramento Avenue, El Paso, Texas, for a term of twenty (20) years, with one renewal option for an additional ten (10) years.

- 8C. An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend Section 4.6 Legal Holidays, clarifying the holidays observed by the City, and the manner in which holidays observed by the City are administered for accrual and payment to City employees.
- 8D. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, amending Rule 1, (Civil Service Commission) Section 5, to provide for selection of the Chair of committees appointed by the Civil Service Commission; amending Rule 4 (Classification) Section 4, changing "An" to "A"; amending Rule 6 (Certification) decreasing the number of waivers from 5 to 3; amending Rule 13 (Leave of Absence, Resignation, Sick Leave and Vacations) to provide for Special Leave based on operational necessity, as determined by the City Manager, and to provide for required testing of uniformed employees requesting reinstatement to the Police Department; and amending Rule 25 (Driver Safety Standards) Section 3, to add the requirement to report an outstanding traffic warrant by employees with driving duties; as applicable to the Civil Service System of the City of El Paso and City Employees.

PUBLIC HEARING WILL BE HELD ON JUNE 1, 2010, FOR ITEMS 8A – 8D

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 ITEMS TAKEN TOGETHER

9. FINANCIAL SERVICES:

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-085R (Energy Operational Savings Program) to Johnson Controls, Inc. for a total estimated amount of \$350,000.

Department:	General Services – Building Maintenance
Award to:	Johnson Controls, Inc. El Paso, TX
Items:	All
Funding Source:	Facility Energy Program
Total Estimated Award:	\$350,000

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award, which will include Performance Contracting Project Agreements (PCPAs) to implement mutually-agreed upon improvement measures.

The General Services and Financial Services Departments recommend award to Johnson Controls, Inc., the highest qualified Bidder based on evaluation factors established for this procurement, to act as the City's Energy Services Company ("ESCO").

10. FINANCIAL SERVICES:

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AUTHORIZE** the City Manager to execute a State Energy Conservation Office Stimulus Program Loan Agreement between the City of El Paso and the Texas State Comptroller of Public Accounts in an amount not to exceed \$2,824,000 in order to fund energy efficiency projects that will be completed on or before December 31, 2011.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

Representatives Ortega, O'Rourke and Byrd commented

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Stuart Ed, Director of General Services
3. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

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11A.

ORDINANCE 17325

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.080 (ANIMAL FACILITIES) OF THE EL PASO CITY CODE TO ALLOW FOR AN AMENDMENT TO THE DISTANCE REQUIREMENT FOR SMALL ANIMAL VETERINARY HOSPITALS OR CLINICS IN AN AREA ZONED R-1 (RESIDENTIAL) OR C-1, C-2, C-3, OR C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Motion duly made by Representative Ortega, seconded by Representative Quintana, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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 Pro Temp 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 17326

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 3, BLOCK 16A, SCOTSDALE UNIT 2A, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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 Pro Temp ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

11C.

ORDINANCE 17327

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Motion duly made by Representative Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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 Pro Temp 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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11D.

ORDINANCE 17328

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00077, TO ALLOW FOR AN 88% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 27 AND THE WEST 10 FT. OF LOT 28, BLOCK 69, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Byrd, Holguin, and O'Rourke

The following City staff members commented:

- 1. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Frank Ainsa, representing owner Elizabeth Pimental
- 2. Mr. Matt Watson, representing applicant
- 3. Ms. Elizabeth Pimental, citizen

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor Pro Temp 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, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Robinson

Whereupon the Mayor Pro Temp 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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11E.

ORDINANCE 17329

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE 2025 PROPOSED THOROUGHFARE SYSTEM AS DETAILED IN THE MAP ATLAS OF THE PLAN FOR EL PASO AND ITS RELATED DOCUMENTS AS ORIGINALLY APPROVED BY EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DELETE THE EXTENSION OF STANTON STREET, AS A MINOR ARTERIAL, NORTH OF THE EXISTING TERMINUS LOCATED NORTH OF EXCALIBUR DRIVE.**

Representative Byrd commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Motion duly made by Representative Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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 Pro Temp 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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12.

ORDINANCE 17330

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017298 RELATING TO THE COLLECTION OF COMMERCIAL SOLID WASTE IN REQUIRED COMMERCIAL COLLECTION AREAS, TO CHANGE THE EFFECTIVE DATE.**

Representative Robinson and Byrd commented.

The following City staff members commented:

- 1. Ms. Ellen Smyth, Director of Environmental Services, commented.
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion duly made by Representative Quintana, seconded by Representative Robinson, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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, Quintana, and Holguin
NAYS: None
ABSTAIN: Representatives Byrd, Ortega, and O'Rourke

Whereupon the Mayor Pro Temp 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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13A.

ORDINANCE 17331

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NUMBER 017042 (TRANSPORTATION REINVESTMENT ZONE NUMBER ONE FOR EL PASO, TEXAS): DECLARING ORDINANCE NUMBER 017042 VOID.**

Representative Robinson and Holguin commented.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

Motion duly made by Representative Ortega, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Temp 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, Quintana, Holguin, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd and Ortega

Whereupon the Mayor Pro Temp 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 TAKEN TOGETHER

13B.

ORDINANCE 17332

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING TRANSPORTATION REINVESTMENT ZONE NUMBER TWO FOR EL PASO, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE "TRANSPORTATION REINVESTMENT ZONE NUMBER TWO, CITY OF EL PASO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**

13C.

ORDINANCE 17333

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING TRANSPORTATION REINVESTMENT ZONE NUMBER THREE FOR EL PASO, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE "TRANSPORTATION REINVESTMENT ZONE NUMBER THREE, CITY OF EL PASO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

The following members of the public commented:

- 1. Mr. David Bogas
- 2. Ms. Lisa Turner
- 3. Ms. Yolanda Giner, attorney
- 4. Mr. Raymond Telles, Executive Director of the Camino Real Regional Mobility Authority

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

Motion duly made by Representative Byrd, seconded by Representative Robinson, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor Pro Temp 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, Ortega, and O'Rourke

NAYS: Representative Holguin

Whereupon the Mayor Pro Temp 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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14.

ORDINANCE 17334

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.02 (DEPARTMENT OF PUBLIC HEALTH), SECTION 9.02.040 (FEES – CLINICS AND LABORATORY) BY ADDING SUBSECTION D, TO ALLOW FOR A SLIDING FEE.**

Representative Quintana commented.

Mr. Michael Hill, Director of Public Health, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor Pro Temp 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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15. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **DELETE** the item regarding discussion and action that the City Manager to sign a lease agreement between DLB Properties JV ("Landlord") and the City of El Paso ("Tenant") regarding the El Paso Police Department Internal Affairs Division's rental of office space in the Compass Bank Building located at 6044 Gateway Blvd East, El Paso, Texas for a term of 10 years.

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16.

RESOLUTION

WHEREAS, on November 18, 2008, the City Council for the City of El Paso amended its Annual Action Plan (2008-2009) for the Consolidated Plan 2005-2010, by adding a Neighborhood Stabilization Program (NSP) component to the Community Development Block Grant (CDBG) Program by adding NSP-funded activities to stabilize specific El Paso neighborhoods identified as having the greatest need based on the U.S. Department of Housing and Urban Development's (HUD) criteria, and approving the International Building Code (IBC) definition for "blighted structure" for the purposes of NSP activities, whenever applicable, to comply with HUD's directive for such a definition; and

WHEREAS, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires to amend the NSP component of the Annual Action Plan (2008-2009) by expanding the list of eligible Census Tracts for acquisition, rehabilitation and homebuyer assistance activities; and

WHEREAS, on May 7, 2010, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 15-day public comment period regarding the proposed amendment to the NSP component of the Annual Action Plan (2008-2009) and City Council has duly considered public comment, if any; and

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

1. That the NSP component of the Annual Action Plan (2008-2009) is hereby amended as follows:

Expand the list of eligible Census Tracts for acquisition, rehabilitation and homebuyer assistance activities based upon the following criteria:

- The estimated number of foreclosures equals 30 or more.
- The estimated foreclosure rate equals 5% or more.
- The number of all loans made between 2004 and 2006 that are high-cost as of 2008 equals 50 or more.
- The estimate high-cost loan rate equals 50% or more.
- The estimated risk of foreclosure and abandonment equals 8 or more.

The additional Census Tracts, which meet three or more of the above criteria, include:

1.01, 1.06, 1.07, 1.12, 2.03, 2.04, 2.06, 3.01, 3.02, 4.03, 6.00, 9.00, 10.01, 10.02, 23.00, 25.00, 30.00, 34.01, 34.03, 35.02, 37.02, 38.03, 40.03, 40.04, 41.03, 41.04, 41.06, 43.03, 43.05, 43.10, 43.11, 43.14, 43.15, 43.16, 102.07, 102.08, 103.07, 103.11, 103.12, 103.16, 103.20, 103.21, 104.01, 104.02 and 104.03 **(All Districts)**; and

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of the resolution, upon approval by the City Attorney's Office and Director of Community and Human Development Department.

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

17.

RESOLUTION

A RESOLUTION NOMINATING HELEN OF TROY L.P. AS A TEXAS STATE ENTERPRISE ZONE PROJECT

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Helen of Troy, L.P. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Helen of Troy, L.P., as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Helen of Troy, L.P. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Helen of Troy, L.P. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Helen of Troy, L.P. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Helen of Troy, L.P. meets the criteria for tax relief and other incentives adopted by the City and nominates Helen of Troy, L.P. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Helen of Troy, L.P. as an enterprise project pursuant to the Act.

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

1. That Helen of Troy, L.P. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and

3. That the City Manager or her designee be authorized to sign any and all documentation required by EDC to complete the nomination process.

Representative Byrd commented

Mr. Javier Gadney, Business Services Coordinator, commented.

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

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The City Council Meeting **RECESSED** at 12:18 p.m. and **RECONVENED** at 12:58 p.m.
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18A. UTILITIES

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the intervention of Western Refining, Inc. in the matter of the application of El Paso Electric Company to change rates filed December 9, 2009.

NOT PRESENT FOR THE VOTE: Representative Quintana

Representative Byrd commented

Mr. Norman Gordon, outside utility counsel, gave legal advice.

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18B. UTILITIES

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, to **APPROVE** the Resolution to accept the settlement offer.

AYES: Representatives Lilly, Byrd, and Robinson
NAYS: Representatives Acosta, Holguin, Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Quintana
THE MOTION FAILED.

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** two weeks a Resolution regarding the application of El Paso Electric Company to change rates, to reconcile fuel costs, to establish formula-based fuel factors, and to establish an energy efficiency cost recovery factor before the Public Utility Commission of Texas, Docket No. 37690 filed December 9, 2009.

NOT PRESENT FOR THE VOTE: Representative Quintana

The following members of the public presented a PowerPoint presentation (on file in the City Clerk's office).

1. Mr. Norman Gordon, outside utility counsel
2. Mr. William Stafford Thurman, Public Utility Regulation Board
3. Mr. Moises Rodriguez, Public Utility Regulation Board
4. Mr. David Carpenter, Chief Financial Officer, El Paso Electric Company
5. Mr. David Stevens, Chief Executive Officer, El Paso Electric Company

Representative Byrd, O' Rourke, Ortega, Acosta, Holguin, Robinson, and Lilly commented

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager, commented.
2. Ms. Kathryn Dodson, Director of Economic Development

The following members of the public commented:

1. Mr. Bill Addington
2. State Representative Joe Moody
3. Ms. Lisa Turner
4. Mr. Bob Nachtman, Dean, College of Business UTEP
5. Reverend James W. Hall, EPISD
6. Mr. Harry Schulte, El Paso Solar Energy Association, President
7. Mr. David Carpenter, Chief Financial Officer, El Paso Electric Company
8. Mr. Moises Rodriguez, Public Utility Regulation Board
9. Mr. William Stafford Thurman, Chair Person of the Public Utility Regulation Board

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ADDITION TO THE AGENDA

1. FINANCIAL SERVICES:

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:05 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative Byrd and O'Rourke

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 12:13 p.m. and **RECONVENE** the meeting of the City Council.

3RD AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division to extend the current contract No. 2009-011 (Towing, Storage and Sale of Motor Vehicles with AD Wrecker Services for up to an additional six months on a month-to-month basis, pursuant to the provisions of an award approved by the City Council on May 26, 2009. Extended contract period will be on a month to month basis from May 25, 2010 to November 25, 2010.

Department: Financial Services Department
 Estimated Amount: \$375,000

Representatives Byrd, Acosta, Robinson, Quintana, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Stuart Schwartz, attorney at law, representing Sun City Towing, LP.
- 2. Mr. David Leffman, attorney at law, representing AD Wrecker Services.

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 Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to
ADJOURN this meeting at 4:17 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk