

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 12, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Melina Castro at 8:39 a.m. and Ann Morgan Lilly at 8:40 a.m. during Executive Session deliberations. Absent: Beto O'Rourke requested to be excused. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **CIVIC YOUTH LEADERSHIP DAY**
2. **WEST POINT DAY**
3. **BORDER TM INDUSTRIES, INC. WEEK**

FLAG DAY PRESENTATION

**PRESENTATION OF THE AMERICAN FLAG TO CITY COUNCIL BY THE
"WOODMEN OF THE WORLD", LODGE 3887, IN HONOR OF FLAG DAY**

**ADDITION TO THE AGENDA
RECOGNITION**

STAR ON THE MOUNTAIN AWARD TO PRESI ORTEGA

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. Richard Schecter
2. Mr. Carl Robinson
3. Ms. Aurelia Roque
4. Mr. Jorge Artalejo
5. Mr. Gerald Smola

Representative Holguin commented.

Mr. Charlie McNabb, City Attorney, gave legal advice, and Ms. Richarda Momsen, Municipal Clerk, commented.

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:39 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session item listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro
ABSENT: Representative O'Rourke

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lozano and Holguin
ABSENT: Representative O'Rourke

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EX1. Claim of Juan J. Banda, Our File No. 06-C-259. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Juan J. Banda, Our File No. 06-C-259.

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

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EX2. Discussion and action related to ASARCO pending litigation and other legal matters. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Byrd, and unanimously carried to authorize outside counsel in consultation with the City Attorney to **ENTER INTO THE STIPULATION** regarding El Paso Metals Site in the ASARCO bankruptcy case as recommended by outside Counsel for the City of El Paso.

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

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UPN ADDITION EX 1. USBC Contract and the case entitled Borderland Network LLC vs. SMG et al
Cause no: EP-06-CA-0412KC. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Steve Ortega, and carried that the City of El Paso **APPROVE** the settlement proposal in the case entitled Borderland Network LLC vs. SMG et al. as it relates to the contract with the U.S.B.C.

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

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CONSENT AGENDA

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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of May 29, 2007 (Corrected) and June 5, 2007, and the Special City Council Meeting of June 4, 2007 (Working Session).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

*Motion made, seconded, and carried to **EXCUSE** Representative O'Rourke from the Regular Council Meeting of June 12, 2007.

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3A. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution regarding George Reynoso being designated to serve on the Ethics Ordinance Review Ad Hoc Committee, on an ad hoc advisory basis with the members of the Rules Legislative Review Committee to review and make recommendations to the City Council on potential revisions to the City's Ethics Ordinance.
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3B.

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

WHEREAS, on May 12, 2007, a General Election and City Charter Amendment Election was held;

WHEREAS, all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for July 3, 2007 is hereby canceled.

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3C. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

810 South Oregon Street \$29,193.56 **District 8** Mario T. Casillas

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3D.

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

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 28th day of September, 2005, after due notice and hearing, ordered Nasario P. Solis, record Owner of the hereinafter described property that the Building(s) be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building(s) and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of demolishing the Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

East 5 Feet of Lot 22, all of Lot 23, and the West 10 Feet of Lot 24, Block 20, Bassett Subdivision, El Paso County, El Paso, Texas, municipally known and numbered as 1917 East San Antonio Avenue, El Paso, Texas,

to be \$32,452.78, performed by the Street Department of the City of El Paso, and \$772.30, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$33,225.08. The City Council finds that the work was completed on the 3rd day of February, 2006, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of THIRTY-THREE THOUSAND TWO HUNDRED TWENTY-FIVE AND 08/100 DOLLARS (\$33,225.08) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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3E. RESOLUTION

Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

117-119 West Overland Avenue \$7,056.91 **District 8**
William Abraham (Trustee) for Franklin Group, L.P.

Representative Castro commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried that the City of El Paso authorizes the City Attorney to **TAKE ANY AND ALL ACTION** necessary, both affirmative and defensive, as necessary, regarding the lawsuits styled William D. Abraham, as Trustee for the Franklin Group, L.P. vs. The City of El Paso, Texas and its Building and Standards Commission; cause number 2007-1037, in the County Court at Law No. 6 of El Paso County, Texas and William D. Abraham, as Trustee for the Franklin Group, L.P. vs. The City of El Paso, Texas and its Building and Standards Commission; cause no. 2007-688 in the 384th District Court. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial proceeding or process.

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

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3F.

***RESOLUTION**

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Affordable Housing Finance Coordinator is hereby created as specified in the duties and responsibilities attached hereto. The Code is 10645. The Grade is PM 132.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

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3G.

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

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Neighborhood Services Coordinator is hereby created as specified in the duties and responsibilities attached hereto. The Code is 10700. The Grade is PM 130.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

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3H.

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

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Code Compliance Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 17300. The Grade is PM 128.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

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3I.

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

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Solid Waste Landfill Supervisor is hereby created as specified in the duties and responsibilities attached hereto. The Code is 17740. The Grade is GS 52.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

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3J.

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

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Transit Customer Service Supervisor is hereby created as specified in the duties and responsibilities attached hereto. The Code is 14300. The Grade is GS 51.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

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3K.

***RESOLUTION**

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Transit Data Specialist is hereby created as specified in the duties and responsibilities attached hereto. The Code is 14335. The Grade is GS 51.

Mayor Cook and Representatives Castro and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball-Thomas, Human Resources Director, commented.

3L.

***RESOLUTION**

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Richard G. Campos, Jr. to employ Richard G. Campos, Jr. as a Senior Programmer Analyst for the Information Technology Department at a biweekly rate of \$2,463.46. The term of the contract shall be for the period of June 23, 2007, through June 22, 2008.

3M.

***RESOLUTION**

WHEREAS, the City Council adopted a Resolution on April 10, 2007 in which the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Juvenile Accountability Block Grant Program (Office of the Governor Criminal Justice Division) grant application;

WHEREAS, it is necessary to revise the cash matching funds to the amount of \$3,206.99;

WHEREAS, except as previously and herein amended, the Resolution dated April 10, 2007 to operate the Serious Habitual Offender Comprehensive Action Program (SHOCAP) for the August 1, 2007----July 31, 2008 year shall remain in full force and effect.

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

- 1. That Paragraph 3 of the Resolution dated April 10, 2007 to operate the Serious Habitual Offender Comprehensive Action Program (SHOCAP) for the August 1, 2007----July 31, 2008 year be amended as follows:

The City of El Paso agrees to provide cash matching funds in the amount of \$3,206.99, revising original resolution amount of \$1,789.16.

4. BOARD RE-APPOINTMENT

*Motion made, seconded, and carried to **POSTPONE** two weeks the re-appointment of Ivan Ramirez to the Committee on Border Relations by Representative Eddie Holguin, Jr., District 6.

Representative Holguin commented.

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

5. BOARD APPOINTMENT

*Motion made, seconded, and carried to **POSTPONE** two weeks the appointment of Angelina Velarde-White to the City Plan Commission by Representative Ann Morgan Lilly, District 1.

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6. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to the Playwell Group, a Cooperative Purchasing Network (TCPN) contractor, under contract number R4615 (Playground Systems and Related Services) for playground equipment for South Dakota Ridge (\$74,046.17) and Little River (\$58,348.07) Parks for the total amount of \$132,394.24.

The participation by the City of El Paso in The Cooperative Purchasing Network (TCPN) was approved by Mayor and City Council on March 27, 2007.

Department: Parks & Recreation
Account No.: 51159242 – 508004 – 16027 – 16200 - 16203
Funding Source: Parkland Dedication Fund
Total Award: \$132,394.24
Reference No.: 2007-199

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7A. BID

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to purchase two additional roll-off trucks pursuant to Option B of Contract No. 2006-199 (Vocational Trucks) with Border International Trucks for a total award of \$256,620.

Department: Environmental Services
Funds Available: 58009 – 40415 - 34340200 (\$128,310 SWM Equipment 2004)
508006 – 40403 - 34010289 (\$128,310 SWM Vehicular Equipment)
Item: Item 2A
2 each @ \$128,310/each
Award Amount: \$256,620

Representative Holguin commented.

Mr. Terrence Freiburg, Purchasing Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-155 (Traffic Signal Heads) to Republic Intelligent Transportation Services for a total estimated award of \$233,393.22.

Department: Street
Award to: Republic Intelligent Transportation Services
Grand Prairie, Texas
Items: 1 thru 8
Annual Estimated Amount: \$116,696.61
Account No.: 99331117 (FY 06 CO's) - 508027 - 27263 (FY 06 CO's)

PCP06ST013-\$105,552.08
32010288 - 503203-01101-\$11,144.53

Funding Source: Street Department General Operating Fund/Signal/Flasher
Installation/Public Access Maintenance and Repairs
Total Estimated Award: \$233,393.22

This is a requirements type contract with an initial term of twenty-four months.

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

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7C. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-156 (Proprietary Parts & Service-Tiger Mower Equipment) to Bisset Specialty Equipment, Inc. for a total estimated award of \$60,000

Department: General Services-Fleet Division
Award to: Bisset Specialty Equipment, Inc.
El Paso, Texas
Items: Part A, 1 & 1A, and Part B
Annual Estimated Amount: \$20,000
Account No.: 37370510 - 503125 - 45202
Funding Source: General Services-Fleet Service Division Internal Service Fund
Total Estimated Award: \$60,000

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

The Departments of Financial Services and General Services/Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

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Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **RECESS** the City Council Meeting at 11:18 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 11:26 a.m.

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8A.

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

An Ordinance authorizing the City of El Paso to enter into a lease agreement with El Paso Border Youth Athletic Association for the purpose of developing a plan for constructing and utilizing a youth baseball and softball facility on property located adjacent to Brown Street and Schuster Avenue consisting of all of blocks 104, 105, and 136, Alexander Addition, and a portion of blocks 68, 69, 99, 106, 107, 135, 137, 138, 139, 142, 143, and 174, and a portion of Ange Street, Octavia Street, Price Street, Noble Street, Daggett Street, Wade Street, University Avenue, Blanchard Avenue, Hague Avenue, and Rim Road rights-of-way (vacated),

Alexander Addition, El Paso, El Paso County, Texas; and canceling the lease agreement approved by Ordinance #15568.

PUBLIC HEARING WILL BE HELD ON JUNE 19, 2007, FOR ITEM 8A

AYES: Representative Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega

NAYS: None

ABSTAIN: Representative Byrd (affidavit to recuse on file in City Clerk’s Office)

ABSENT: Representative O’Rourke

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8B.

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

An Ordinance changing the zoning of Tracts 10A, 10B, and 10C, Block 14, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 321 Lomaland Drive. Applicant: Walter and Amelia Garcia. ZON07-00027

PUBLIC HEARING WILL BE HELD ON JULY 10, 2007, FOR ITEM 8B

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9.

RESOLUTION

WHEREAS, the zoning of the property described as Lots 1 and 2, Block 5, and Lots 1 and 2, Block 6, Camelot Heights Unit Two, City of El Paso, El Paso County, Texas, was changed by City Council on March 11, 1986; and,

WHEREAS, the rezoning was subject to the property owner entering into a contract with the city and such contract imposed the following zoning conditions, in part:

- 1) Prior to the issuance of a grading permit, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council;
- 2) Prior to the issuance of any building permits, a subdivision plat must be filed of record;
- 3) Prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton Street to Mesa Street; and,

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, on March 27, 2007, portions of the subject property were rezoned from apartment districts to residential districts; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of two of the above conditions on the above described property; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended a partial release of the conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that a partial release of the above conditions will protect the best interest, health, safety and welfare of the public in general.

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

That above zoning Condition 1 imposed by contract dated March 11, 1986 and requiring that prior to the issuance of a grading permit a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council, be released on the portion of land identified in Exhibit "A" as Parcel 1 (8.865 acres) and Parcel 4 (4.162 acres); and,

That above Condition 3 imposed by contract dated March 11, 1986 and requiring that prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton Street to Mesa Street, be released on the portion of land identified in Exhibit "B" as Parcel 1 (8.865 acres), Parcel 2 (1.528 acres), Parcel 3 (4.798 acres), and Parcel 4 (4.162 acres).

2. Except as herein amended, the contract dated March 11, 1986 shall remain in full force and effect.

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

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10.

ORDINANCE 16664

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), SECTION 13.20.110 (BUS BENCH FRANCHISES) TO TRANSFER THE ENFORCEMENT AUTHORITY OVER BUS BENCH FRANCHISES TO THE MASS TRANSIT DEPARTMENT.**

Mayor Cook and Representatives Byrd and Holguin commented.

Ms. Joyce Wilson, City Manager, commented, and Mr. Raymond Telles, Assistant City Attorney, gave legal advice.

Motion duly made by Representative Lozano, seconded by Representative Byrd, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega

NAYS: None

ABSENT: Representative O'Rourke

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

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11. PUBLIC HEARING - ENGINEERING

*Motion made, seconded, and unanimously carried to **DELETE** the Public Hearing on an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "G" (Forty Miles per Hour) of the El Paso City Code to add Helen of Troy Drive from Redd Road to Desert North Boulevard. The penalty is as provided in Section 12.84.010 of the El Paso City Code.

12.

ORDINANCE 16665

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING TO PAUL BERUBE A NON-EXCLUSIVE FRANCHISE FOR LITTER RECEPTACLES ON SIDEWALKS AND OTHER CITY PROPERTY.**

Representative Byrd commented.

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

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

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
- NAYS: None
- ABSENT: Representative O'Rourke

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

13A.

ORDINANCE 16666

The City Clerk read an Ordinance entitled: **THAT THE MAYOR BE AUTHORIZED TO SIGN AN ORDINANCE GRANTING A FRANCHISE FOR ELITE MEDICAL TRANSPORT TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Assistant Fire Chief Manuel Chavira commented.

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., 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, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
- NAYS: None
- ABSENT: Representative O'Rourke

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

13B. PUBLIC HEARING – FIRE DEPARTMENT

*Motion made, seconded, and unanimously carried to **DELETE** the Public Hearing regarding the Mayor being authorized to sign an amendment to the Ordinance for Sun City Ambulance Service, Inc., dba Rio Grande Ambulance Service, to provide an amendment to the rate schedule.

Representative Lozano commented.

Assistant Fire Chief Manuel Chavira commented.

Dr. Mario Padilla, representing the applicant, commented.

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14A. MAYOR AND COUNCIL

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

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14B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding discussion and action on Subdivision Conditional B permits to be released on Sandstone Ranch Unit 2. Reason: Economic hardship.

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14C. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item regarding discussion and action to file a complaint with the Federal Communications Commission against T-Mobile for their failure to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties in the installation of a cell tower located at 2219 Piedras Street.

Representative Byrd commented.

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15. DEVELOPMENT SERVICES

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE** a Conditional B permit for Tierra Del Este Unit 47 Subdivision with a finding of economic hardship.

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

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16. CITY MANAGER

*Motion made, seconded, and carried to **DELETE** the item on discussion and action on issues related to Storm 2006.

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Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 11:38 a.m.

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Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **RECONVENE** the City Council Meeting at 1:40 p.m.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:40 p.m.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin
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Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 2:10 p.m. and **RECONVENE** the meeting of the City Council.

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 2:21 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk