

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 13, 2006
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 John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Eddie Holguin, Jr., and Beto O'Rourke. Absent: Steve Ortega. Late arrival: Melina Castro at 8:54 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 by the Boy Scouts.

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MAYOR'S PROCLAMATIONS

1. WEST POINT DAY

Mayor Cook and Colonel Hayden commented.

2. JUNETEENTH

Mr. Carl Robinson commented.

RECOGNITION AWARD TO THE CITY

**DR. TOM TENNER PRESENTING
THE "HEART AND STROKE HEALTHY CITY" GOLD AWARD TO THE CITY**

Mayor Cook commented.

Ms. Jennifer Smith, Ms. Ann Pauley, and Dr. Tom Tenner commented.

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/city_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.

1. Mr. David Marcus commented on the downtown plan.
2. Mr. Richard Schecter commented on the downtown plan.
3. Ms. Dotti Calhoun gave an update on the Mayor's Blood Donor program and World Donor Day.
4. Mr. Walt Phillips commented on Better than the Best in Texas.

5. Mr. Pete Hollen commented on homestead exemptions.
6. Ms. Linda Carrasco commented on the downtown development plan.
7. Mr. H. Vanoy Barton commented on the Central Appraisal District.
8. Mr. Tony Diaz commented on taxes.

Representative Presi Ortega, Jr. recognized the El Dorado High School pre-vocational class.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. 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 O'Rourke
 ABSENT: Representative Steve Ortega

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 *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of June 6, 2006, and Special City Council Meeting Minutes of June 05, 2006.

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 *Motion made, seconded, and unanimously carried to **EXCUSE** Representative Steve Ortega from the Regular Council Meeting of June 13, 2006.

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

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

WHEREAS, by City Council resolution dated October 11, 2005, the City of El Paso entered into an agreement with West for the provision of various legal research products, including both internet and print resources; and

WHEREAS, the original legal research products provided by West have been found to be insufficient for the legal research requirements of the City Attorney's Office; and

WHEREAS, the City of El Paso and West have mutually agreed upon a remedy of the legal research product plan, which includes significantly increased access to internet research, but does not increase the initially proposed price for such internet research; and

WHEREAS, the City of El Paso and West will be required to execute a new agreement in order to effectuate the new internet research plan;

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

That the City of El Paso and West mutually agree to the termination of the order form and related documents originally executed pursuant to the El Paso City Council Resolution dated October 11, 2005; and

That the City Manager be authorized to sign a new order form and any related materials by and between the City of El Paso and West, for the provision of legal research products, including both internet and print resources; the order form shall be for a period of three (3) years, and shall include updates and continuing services for all internet and print materials.

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

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

WHEREAS, on February 7, 2004, the citizens of El Paso approved Proposition No. 3 as identified on the Bond Obligation Election ballot and as described in Ordinance No. 15611; and,

WHEREAS, Proposition No. 3 identifies the issuance of general obligation bonds for permanent public improvements including a specific project for District Two called "Open Space Enhancements" and,

WHEREAS, project description for this project is described as grading and xeriscaping of City open areas and public rights-of-way the priorities; and,

WHEREAS, the "Open Space Enhancements" (District 2) project description requires the priorities and locations to be approved by City Council; and

WHEREAS, City Council has reviewed the following priorities and locations,

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

That the El Paso City Council approves the following priorities and locations under the "Open Space Enhancements" (District 2) project as required by Proposition No. 3 of the Feb. 7, 2004 General Obligation Bond Election:

1. Van Buren Dam, Southeast intersection of Alabama Street and Harrison Street \$450,000
2. Drainage Areas at Louisiana Street between Sacramento Street and Mobile Street; between Mobile Street and Nashville Street; and Southeast intersection of Louisiana and Nashville \$296,000

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

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

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Lot 2, Block 12, El Paso Int'l Airport Tracts, Unit 8 Replat, El Paso, El Paso County, Texas, to provide electrical service to 8730 Boeing Drive (El Paso Sun Park Ltd.).

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

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

That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for a portion of Lot 10, Block 1, Farah Subdivision, El Paso, El Paso County, Texas to provide electrical service to facilities located at 9300 Viscount within the San Mateo Apartments.

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

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

That the City Manager be authorized to sign a Contract 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 \$2,307.69, for 40 hours per week. The term of the contract shall be for the period of June 23, 2006 through June 22, 2007.

***RESOLUTION**

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

THAT the City Manager of the City of El Paso (the "City") be authorized to sign an amendment to that certain ATM License Agreement for El Paso Employees Federal Credit Union entered into by and between the City and the El Paso Employees Federal Credit Union, adopted on October 11, 2005, to change the installation of two Automatic Teller Machines from an outdoor location to an indoor location and decrease their respective annual license fees from One Thousand Four Hundred Dollars (\$1,400.00) to Three Hundred Dollars (\$300.00).

*Motion made, seconded, and unanimously carried to **RE-APPOINT** James (Jim) Welshimer to the Community Development Steering Committee by Mayor John Cook.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Roger K. Curie to the Community Development Steering Committee by Representative Presi Ortega, Jr., District 5.

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Barbara R. Esparza to the Community Development Steering Committee by Representative Susie Byrd, District 2.

*Motion made, seconded, and unanimously carried to **APPOINT** Felipe J. Luna to the Community Development Steering Committee by Mayor Pro Tempore Beto O'Rourke, District 8.

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. Elias & Ma. Heberth Salinas, in the amount of \$4,711.07 overpayment of 2004 taxes. (PID #C167-999-0040-0100).
- B. Chase Home Finance in the amount of \$3,726.51 overpayment of 2005 taxes. (PID #C398-999-0010-1000).
- C. Chase Home Finance in the amount of \$2,887.85 overpayment of 2004 taxes. (PID #H788-002-0150-0070).
- D. Countrywide Tax Services Corp. in the amount of \$2,584.44 overpayment of 2005 taxes. (PID #H801-999-0070-0900).
- E. First American Real Estate Tax Service in the amount of \$4,179.98 overpayment of 2005 taxes. (PID #P133-999-0040-8200).
- F. Irwin Mortgage Corp. in the amount of \$2,721.78 overpayment of 2004 taxes. (PID #P863-999-0290-0200).
- G. El Paso BS Company, Inc. in the amount of \$2,737.76 overpayment of 2005 taxes. (PID #T188-999-0010-8900).
- H. El Paso BS Company, Inc. in the amount of \$2,707.04 overpayment of 2003 taxes. (PID #T188-999-0010-8900).

- I. El Paso BS Company, Inc. in the amount of \$2,812.04 overpayment of 2004 taxes. (PID #T188-999-0010-8900).
- J. Wells Fargo Real Estate Tax Services in the amount of \$4,504.96 overpayment of 2005 taxes. (PID #T287-999-0160-2200).
- K. Wells Fargo Real Estate Tax Services, L.L.C. in the amount of \$5,247.96 overpayment of 2005 taxes. (PID #U823-999-0040-1400).
- L. Wells Fargo Real Estate Tax Services, L.L.C. in the amount of \$6,245.43 overpayment of 2005 taxes. (PID #U823-999-0040-1400).
- M. First American Real Estate Tax Service in the amount of \$2,890.68 overpayment of 2005 taxes. (PID #V655-999-0200-0100).
- N. First American Real Estate Tax Service in the amount of \$3,342.97 overpayment of 2005 taxes. (PID #T211-999-0000-1000).
- O. First American Real Estate Tax Service in the amount of \$3,088.00 overpayment of 2005 taxes. (PID #H801-999-0070-1000)

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 *Motion made, seconded, and unanimously carried to **APPROVE** the request that the Deputy Director for Financial Services, Purchasing Division, be authorized to issue a purchase order to Medtronic Emergency Response Systems, Inc. Medtronic Emergency Response Systems, Inc. is the authorized technical service representative providing manufacturer authorized maintenance. Medtronic Emergency Response Systems, Inc. is the sole provider for LifePak Defibrillators products, its parts, accessories, repairs, and services. Award amount is \$89,977.84/year.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional documents as necessary.

Total Award amount: \$359,911.36
 Funds Available: 22010319-01011-502229
 Funding Source: General Funds SCBA & Logistic, Office Equipment Maintenance Contracts
 Department: Fire

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 *Motion made, seconded, and unanimously carried to **APPROVE** the request that the Deputy Director for Financial Services be authorized to issue a purchase order(s) to The Revenue Markets, Inc. (TRMI) in the amount of \$226,655.44 for upgrading and enhancing the toll collection system to include system modifications to accommodate the four lane increased lane count, vehicle and pedestrian lane equipment, and a web-based Plaza Administrator/Reports application. TRMI is the sole provider for application software and customized related equipment for the current toll collection system for the International Bridges.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and the City Manager be authorized to sign any and all additional documents and/or agreements as necessary.

Department: Street

Funding Sources: 508004-43001-32000082-PPWBR03006,
SIB Loan/Capital Projects, Auto Toll Collection System \$57,750.00
508010-43005-32000080-PBR0001, 1989 Revenue Bond
Projects, Zaragoza POE Weight and Motion Scales \$168,905.44
Amount of Award: \$226,655.44
District(s): 6 and 8
Sole Source Contract No: 2006-144

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*Motion made, seconded, and unanimously carried to **APPROVE** Best Value Procurement Solicitation No. 2005-225 Pervo Paint Company.

Solicitation No. 2005-225 Traffic Paint
Award to: Pervo Paint Company
Los Angeles, California
Item(s): Group I – All Items and Group II – All Items
Amount: \$113,790.00 (estimated annually)
Department: Street
Funds available: 01101-32000-32010287-503122
Funding source: General Fund-Maintenance Supplies/Parts
Total award: \$341,370.00 (estimated)
District (s): All

The Street Department and Financial Services Department recommends award as indicated to the best-value offeror meeting specifications.

This is a thirty-six (36) month requirements type contract for the purchase of Traffic Paint. The vendor does not offer a prompt payment discount.

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*Motion made, seconded, and unanimously carried to **APPROVE** Best Value Procurement Solicitation No. 2006-096 Total Cleaning Services

Solicitation No. 2006-096 Janitorial Services - Municipal Service Center/Corrals
Award to: Total Cleaning Services
El Paso, TX
Item(s): All
Amount: \$49,855.44 (estimated per year)
Department: General Services, Maintenance Division
Funds available: 31010326-01101-502206
Funding source: General Services, Maintenance Division Operating
Account, Maintenance Service Contracts
Total award: \$149,566.32 (estimated)
District (s): 3, 4, and 7

General Services, Maintenance Division, and Financial Services, Purchasing Division, recommend award under its best-value criterion to the above-listed responsive vendor.

This is a thirty-six month contract with the option to renew for one additional year. Total Cleaning Services offers 3%-10 Days, prompt payment discount.

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*Motion made, seconded, and unanimously carried to **REJECT** all bids for Bid Solicitation No. 2006-099 Resler Canyon Erosion Control Improvements

Solicitation No.2006-099 - Resler Canyon Erosion Control Improvements
Location: Alto Mesa Dr., Pizzaro Dr., and Marcena St.
Contractor: CK Construction Inc. in joint venture with Spartan Const.
El Paso, TX

Department: N/A
 Funds Available: PFC06001/60600/31260001
 Funding Source: FY 2003 Certificates of Obligation
 Items: Location 1: Alto Mesa Dr. & Mesa St. \$197,650.00
 Location 2: Parking Area at 200 Alto Mesa Dr. \$ 56,200.00
 Location 3: 300 Alto Mesa Dr. \$ 16,200.00
 Location 5: Pizarro Dr. \$ 51,891.00
 Location 6: Marcena St. \$ 25,850.00
 Maximum Total Award: \$347,791.00
 Estimated Completion Date: July 2006
 District(s): 8

The Engineering Department, in consultation with Frontera Land Alliance, recommend the award of Contract No. 2006-099, Resler Canyon Erosion Control Improvements, to CK Construction, Inc. in joint venture with Spartan Construction, the low, responsible, responsive bidder. This unit-priced contract is for the total amount of \$347,791.00. The Resler Canyon Erosion Control Improvements project was created and funded as a result of a legal agreement as documented by a letter of understanding, dated December 20, 2005, wherein the City agreed to pay \$347,750.00 for repair maintenance and/or stabilization projects located in or appurtenant to Resler Canyon. Council approves an additional funding of \$291.00.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. In no event shall the total contract amount paid under this contract exceed \$347,791.00 without further authorization of City Council.

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-069 Libra-Tech Corporation

Solicitation No. 2006-069 Library Shelving and Furniture for Eastside Regional Library

Award to: Vendor 1: Libra-Tech Corporation
Argyle, Texas

Items: Group II, #2: Qty 1 @ \$1,279.50/each
Group II, #3: Qty 1 @ \$841.22/each
Group II, #4A: Qty 3 @ \$835.51/each
Group II, #4B: Qty 2 @ \$966.31/each
Group II, #5: Qty 6 @ \$245.71/each
Group II, #6 Qty 13 @ \$302.38/each
Group II, #7A: Qty 12 @ \$252.50/each
Group II, #7B: Qty 8 @ \$228.72/each
Group II, #14: Qty 2 @ \$2,714.74/each

Amount: \$22,254.31

Vendor 2: El Paso Automated Office & Industrial Systems, Inc.
El Paso, Texas

Items: Group II, #8A: Qty 5 @ \$879.00/each
Group II, #8B: Qty 1 @ \$899.00/each
Group II, #9A: Qty 4 @ \$879.00/each
Group II, #9B: Qty 2 @ \$899.00/each
Group II, #23: Qty 1 @ \$2,980.00/each

Amount: \$13,588.00

Vendor 3: Rio Grande BPSI
El Paso, Texas

Items: Group II, #28: Qty 55 @ \$337.64/each
Group II, #29: Qty 11 @ \$406.64/each
Group II, #30: Qty 8 @ \$406.64/each

Group II, #31: Qty 2 @ \$569.94/each
Group II, #32: Qty 6 @ \$618.54/each
Group II, #33: Qty 6 @ \$345.92/each
Group II, #34: Qty 12 @ \$113.28/each
Group II, #35A: Qty 100 @ \$113.28/each
Group II, #35B: Qty 6 @ \$189.12/each
Amount: \$47,045.08

The Library and Financial Services Departments recommend award as indicated to the lowest responsive offerors meeting specifications from responsible parties.

Award for Group I, Library Shelving, was approved by Council on May 2, 2006. Offers for Group II, Furniture, were still under review at that time. This award is for Group II, Furniture.

This is a fixed-price, single (one-time) purchase to purchase library furniture. Vendor No. 1 offers options to purchase up to one hundred percent (100%) of the original contract quantities at the same unit prices if the options are exercised within sixty (60), ninety (90), and/or one hundred eighty (180) days from the date of award of the contract. Vendor No. 2 offers no option to purchase additional quantities; and Vendor No. 3 offers an option to purchase up to one hundred percent (100%) of the original contract quantities at the same unit prices if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discounts are offered.

Department: Library
Funds available: 31130562-508009-60003-PPW0056005YR2
Funding source: Furniture and Fixtures, Library Facility 01 issue CP,
Eastside Regional Library
Total award: \$82,887.39
District (s): 5

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ITEMS TAKEN TOGETHER:

INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:
An Ordinance amending section 3 of ordinance no. 16086, the ordinance establishing deadlines and procedures for placing matters on the agenda for City Council meetings, to allow citizens to directly place items on the City Council agenda.

1ST MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Mayor Pro Tempore O'Rourke, and carried to **SUSPEND THE RULES OF ORDER** and allow a member of the audience to participate in call to the public after 9:00 a.m.

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

Mr. Charlie McNabb, City Attorney, commented.

Mr. Ric Schecter, citizen, commented.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Lozano, to approve the above introduction. The motion **FAILED**.

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

Discussion and action to amend the rules of order and allow placement of agenda items by citizens.

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

Mr. Charlie McNabb, City Attorney, commented.

Mr. H. Vanoy Barton commented.

Motion made by Representative Holguin, seconded by Representative Lozano, to approve. The motion **FAILED**.

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

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Motion made by Mayor Pro Tempore O'Rourke, 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 changing the zoning of Tract 6H, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject property: Ada Lane and Valley Road. Applicant: Enrique Escobar. ZON06-00038 (District 1)

PUBLIC HEARING WILL BE HELD ON JULY 5, 2006 FOR THE ITEM

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

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

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*Motion made, seconded, and unanimously carried to **DELETE** discussion and action that the City of El Paso, in light of increased valuations for next, increase the tax exemption for the elderly and disabled an additional \$20,000 by year 2007.

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*Motion made, seconded, and unanimously carried to **POSTPONE** one (1) week discussion and action pursuant to City Charter Section 4.3, Mayor Pro Tempore.

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NO ACTION WAS TAKEN on the following item:

Discussion and action to direct staff to provide items regarding the finances of the City of El Paso, in sixty (60) days, to Representative Lozano; including but not limited to the following:

Information on how much money the city has, including all financial instruments of any kind, all current component units and the rate of return on them; exactly which accounts all funds are located in; the rate of return on re-invested funds and exactly which accounts those re-invested funds are in.

Mayor Cook and Representatives Lozano and Presi Ortega, Jr. commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney
- 3. Mr. David Almonte, Director of OMB
- 4. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services.
- 5. Ms. Carmen Arrieta-Candelaria, Financial Services

Mr. H. Vanoy Barton, citizen, commented.

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ITEM:

Discussion and action to rule out eminent domain for private development from the downtown plan.

Mayor Cook and Representatives Presi Ortega, Jr., Lozano, Byrd, and Castro commented.

The following City staff members commented:

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

Motion made by Representative Lozano, seconded by Representative Holguin, to approve. The motion **FAILED**.

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

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*Motion made, seconded, and unanimously carried to **DELETE** discussion and action to make operational wheelchair lifts and safe wheelchair transportation a higher priority at Sun Metro.

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Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr., and carried to **APPROVE** budget transfer BT2006-841 GENERAL SERVICES

Appropriation increase requested to cover fuel expenditures for FY2006 due to high fuel prices. (All Districts)

Increase	\$2,000,000	to	Fuel Inventory Purchase
Increase	\$2,000,000	to	Fuel/Lubricant Charge

Mr. David Almonte, Office of Management and Budget, commented.

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

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*Motion made, seconded, and unanimously carried to **POSTPONE** for one (1) week an Ordinance changing the zoning of a portion of Lot 53, Cinecue Park, El Paso, El Paso County, Texas, from R-F (Ranch and

Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.6 of the El Paso City Code. Subject Property: 8214 Troy Avenue. Applicant: CDE Framing and Remodeling, LLC (Representative: David Estrada). ZON06-00036

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ORDINANCE 16373

The Deputy City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING, AND PARKING GENERALLY), SECTION 12.44.170 (PARKING ON CITY-OWNED PROPERTY), OF THE EL PASO CITY CODE REVISING THE REFERENCE TO APPLICABLE STATE STATUES FOR PARKING FEE EXEMPTIONS FOR VETERANS WITH CERTAIN REGISTERED LICENSE PLATES.**

Motion duly made by Representative Lozano, seconded by Representative Presi Ortega, Jr., 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, Presi Ortega, Jr., Holguin, and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Castro
ABSENT: Representative Steve Ortega

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ORDINANCE 16374

The Deputy City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CONVEYANCE OF LOT 19, BLOCK 30, TIERRA DEL ESTE UNIT FOUR, EL PASO, EL PASO COUNTY, TEXAS.**

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

The following City staff members commented:

- 1. Dr. Norman Merrifield, Parks and Recreation
- 2. Ms. Josette Flores, City Attorney's Office
- 3. Mr. Rudy Valdez, Development Services

The following members of the public commented:

- 1. Mr. Ric Schecter
- 2. Mr. Pete Hollen
- 3. Mr. Doug Schwartz

Motion duly made by Representative Presi Ortega, Jr., seconded by Mayor Pro Tempore O'Rourke, 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 O'Rourke
ABSENT: Representative Steve Ortega

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

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 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 following:

EX1. Mark James Bittakis vs. City of El Paso, et. al.; Cause No. EP-05-CV-402-FM. (551.071)

EX2. Hector Montes vs. City of El Paso, et. al.; Cause No. 2004-3729. (551.071)

Motion made by Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:00 a.m. and reconvene the meeting of the City Council, during which time motions were made.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit entitled *Mark James Bittakis v. City of El Paso, et. al.*, Cause No. EP-05-CV-402, filed in the United States District Court for the Western District of Texas.

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

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **POSTPONE** one (1) week Hector Montes vs. City of El Paso, et. al.; Cause No. 2004-3729. (551.071)

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

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 Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 11:29 a.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk