

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, 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  
JUNE 16, 2009  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Beto O'Rourke at 9:02 a.m. during Executive Session deliberations and Rachel Quintana at 9:08 a.m. Absent: Melina Castro requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **CIVIC YOUTH LEADERSHIP DAY**
2. **JUNETEENTH**
3. **DUMP THE PUMP DAY**
4. **EARL CONRAD BROWN, JR. - 90TH BIRTHDAY**

**RECOGNITIONS**

1. **CITY REPRESENTATIVE MELINA CASTRO**
2. **U. S. ARMY SERGEANTS MAJOR ACADEMY**
3. **MARIA ANGELES GALLARDO - HONORARY CONSUL OF SPAIN IN EL PASO**

**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](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. Bob Norris
3. Mr. Arthur Ward



AYES: Representatives Lilly, Byrd, Acosta, Holguin, and Ortega  
NAYS: None  
ABSTAIN: Representatives Quintana and O'Rourke  
ABSENT: Representative Castro

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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

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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 June 9, 2009.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Castro from the Regular Council Meeting of June 16, 2009.

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**3A.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso Limited Partnership ("Lessee"), and the Texas Department of Public Safety ("DPS") ("Sublessee") regarding a portion of the premises located at 1771 Shuttle Columbia Drive, El Paso, Texas.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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**3B.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a U.S. Government Lease for Real Property, Lease No. HSBP-1109-L-DA00156, by and between the City of El Paso, on behalf of the El Paso International Airport ("Owner/Lessor"), and the United States of America ("Government") for the following property: Hangar, Office Support and Ramp Space at 6812 Northrop Drive, El Paso, Texas.

Representative Acosta commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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**3C.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a Lessor’s Approval of Sublease between the City of El Paso (“Lessor”), Trajen Flight Support, LP a/k/a Atlantic Aviation (“Lessee”), and Elite Medical Transport of Texas, LLC (“Sublessee”) regarding a portion of the premises located at 1751 Shuttle Columbia, El Paso, Texas.

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**3D.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign an agreement for an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to 13600 McCombs, El Paso, Texas. Said property being more particularly described as a portion of Section 1, Block 81, Township 1, T&P RR Survey, El Paso, El Paso County, Texas.

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**3E.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign an agreement for electric service and an agreement granting an underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the City park at 12600 Pebble Hills Blvd, El Paso, Texas. Said property being more particularly described as a portion Lot 83, Block 12, Tierra Del Este Unit 1, El Paso, El Paso County, Texas.

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**3F.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign an agreement for electric service and an agreement granting a switch, transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to 601 South Santa Fe Street, El Paso, Texas. Said property being more particularly described as Blocks 99, 120, 121, vacated portion of Chihuahua Street and vacated alley of Block 121 of Campbell Addition, El Paso, El Paso County, Texas.

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**3G. RESOLUTION**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Resolution authorizing the City Manager to sign Local Air Program grant contract No. 582-10-90258 (the “Agreement”) by and between the City of El Paso and the Texas Commission on Environment Quality (“TCEQ), in the amount of \$479,214 for the period of September 1, 2009, through August 31, 2010, to conduct compliance investigations on behalf of TCEQ at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops, and cabinet shops. City matching funds are required in the amount of \$158,140. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds.

Representatives Acosta, Quintana, Ortega, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

3H.

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign the Display Agreement by and between the City of El Paso and the University of Texas at El Paso memorializing the ownership, display, care and maintenance of the Locomotive known as Engine No. 1 currently on display in the Union Plaza Transit Terminal.

Representative Ortega commented.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

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**4. NOTATION OF CAMPAIGN CONTRIBUTION**

\*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code; receipt of in-kind campaign contribution by Woody Hunt in the amount of \$500 on May 9, 2009, by Representative Susie Byrd.

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**5. APPLICATIONS FOR TAX REFUND**

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

- A. GMAC Mortgage in the amount of \$2,829.63 overpayment of 2008 taxes.  
(PID #C340-999-062A-0500)
- B. FASLO Solutions, LLC in the amount of \$3,649.78 overpayment of 2007 taxes.  
(PID #H801-999-0090-0900)
- C. FASLO Solutions, LLC in the amount of \$2,534.51 overpayment of 2008 taxes.  
(PID #H801-999-0090-0900).
- D. Francisco & Bertha G. Magaña in the amount of \$2,609.84 overpayment of 2007 taxes.  
(PID #L624-999-0100-0600).
- E. Chase Home Finance in the amount of \$4,936.08 overpayment of 2008 taxes.  
(PID #L626-999-0110-3300).
- F. Stewart Title of El Paso in the amount of \$6,500.70 overpayment of 2008 taxes.  
(PID #V897-999-0790-2600).

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**6A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **DELETE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Sierra Machinery, a contractor for the Texas Multiple Award Schedule (TXMAS), for the purchase of four Front-End Wheel Loaders under contract number TXMAS-7-23V010-1 (Vehicular Multiple Award Schedule) in the estimated amount of \$492,888. The participation by the City of El Paso in the TXMAS Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services  
Account No.: 37150068 – 508006 – 27265 – PFLESVC01  
14200500 - 508006 – 27264

14200500 - 508012 – 27264  
Funding Source: Vehicular Equipment  
Total Estimated Award: \$492,888  
Reference No.: 2009-246

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**6B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to American Tire Distributor (formerly Am Pac Tire Distributor), the TXMAS contractor, under TXMAS State Contract TXMAS-7-261020-59 (Tires for Passenger, Trucks, and Bus, and Retread Services), for the purchase of miscellaneous tires in the estimated amount of \$45,000. This purchase coupled with previous tire expenditures (\$95,000) through this contract will increase the total purchases from this vendor to \$140,000. The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services  
Account No.: 37370510 – 503121 – 45202  
Funding Source: Inventory Parts  
Total Estimated Award: \$45,000 (purchases to-date - \$140,000)  
Reference No.: 2009-250

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**7. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-124 for the Rocky Bluff Drainage Improvements to Aquatech Septic and Underground, LLC for a total estimated amount of \$78,250.

Department: Engineering  
Award to: Aquatech Septic & Underground, LLC.  
Base Bid I: \$78,250  
Account No.: 14200402-508027-29114-PBE04FC104  
Funding Source: 2004 General Obligation Bonds  
Total Estimated Award: \$78,250

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

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

**8A. – 8E. INTRODUCTIONS**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, 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 granting a Special Privilege to the Catholic Diocese of El Paso - Saint Thomas Aquinas Church permitting the encroachment of a single directional sign onto a portion of public right-of-way at Lee Trevino Drive and a single directional sign onto a portion of public right-of-way at Pebble Hills Boulevard.
- 8B.** An Ordinance authorizing the City of El Paso to enter into a Lease Agreement with El Paso Independent School District for the purpose of developing, constructing, and utilizing youth baseball and softball fields 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 103, 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 and Blacker Avenue, Rights-Of-Way (Vacated), Alexander Addition, El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON JUNE 23, 2009, FOR ITEMS 8A – 8B**

- 8C.** An Ordinance changing the zoning of Lots 1 through 4, Block 1, Ponce Estates, City of El Paso, El Paso County, Texas, from R-3/SC (Residential/Special Contract) to R-5/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8D.** An Ordinance granting Special Permit No. ZON09-00007 to allow for the construction of a ground-mounted personal wireless telecommunication facility and equipment shelter on the property described as a portion of Lot 1, Block 441, Vista Del Sol Unit Eighty Four, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.
- 8E.** An Ordinance changing the zoning of a portion of Tract 8A, Boothville Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JULY 7, 2009, FOR ITEMS 8C – 8E**

**9A. ENGINEERING**

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **AWARD** Solicitation No. 2009-129 Clint Landfill Final Closure to Rummel Construction, Inc. and C & C Road Construction, Inc. for a total estimated award of \$8,095,819.30

Department: Environmental Services  
Award to: Vendor 1: Rummel Construction, Inc.  
Items: Base Bid A  
Estimated amount: \$4,528,664.80

Award to: Vendor 2: C & C Road Construction, Inc.  
Items: Base Bid B & C  
Estimated amount: \$3,567,154.50

Account No: 34010289 – 508027 – 40499 – PSWM0004  
Funding Source: Prior years operating Revenues

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

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

Representatives Byrd, Quintana, and Acosta commented.

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

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**9B. ENGINEERING**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-201 for the Knights Drive Landscape and Irrigation to J.A.R. Concrete, Inc. d/b/a JAR Construction, Inc. for a total estimated amount of \$1,028,416.17.

Department: Engineering  
Award to: J.A.R. Concrete, Inc. d/b/a JAR Construction, Inc.  
Base Bid: \$1,028,416.17  
Account No.: 99331117–508027–27263–PCP08ST02  
Funding Source: 2008 Reprogramming  
Total Estimated Award: \$1,028,416.17

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

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

Representatives Quintana and Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

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**9C. ENGINEERING**

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-170 for the Hot Mix Asphaltic Concrete Course 2009 to Allied Paving Company for a total estimated amount of \$1,651,750.

Department: Engineering  
Award to: Allied Paving Company  
Base Bid: \$1,770,150  
Alternate I: (\$ 118,400)  
Account No.: 32010200-508027-01101  
Funding Source: Streets General Funds  
Total Estimated Award: \$1,651,750

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer and/or the Streets 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 Engineering Department recommends award as indicated to the lowest responsible bidder.

Representative Byrd commented.

Mr. Alan Shubert, City Engineer, and Mr. Harold Kutz, Street Department, commented.

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**9D. ENGINEERING**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-200 for the Mission Valley Transit Terminal to Vistacon Inc. for a total amount of \$2,271,075.

Department: Mass Transit/Sun Metro  
Award to: Vistacon Inc.  
Project: Mission Valley Transit Terminal  
Base Bid: \$2,271,075  
Total Award: \$2,271,075  
Funding Source: 60600011/508027/11629/FTA Grant TX-03-0175/ G600405 &  
60600011/508027/11707/FTA Grant TX-90-X606/PCP09MT004 &  
14400100/508027/ 27265 / PCP09MT004

FTA Grant TX-03-0175 \$754,650 & FTA Grant TX-90-X606 \$1,065,465 & 2009 Certificates of Obligation \$450,960 (Balance \$21.6 million)

Vistacon Inc. was selected by the Mass Transit Department Board as the highest ranked proposal and City staff has negotiated a contract that provides the best value to the Mass Transit Department of the City of El Paso.

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.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by the City Council.

This is a lump-sum contract. The Engineering and Mass Transit/Sun Metro Departments recommend award to the offeror who submitted the highest ranked proposal.

Mr. Johanes Makahaube, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Ortega commented.

Mr. Alan Shubert, City Engineer, commented.

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**10A. FINANCIAL SERVICES**

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Southwest International Trucks, Inc., a contractor for the Texas Association of School Boards (TASB) Buy Board, for the purchase of four pothole-patcher vehicles under contract number 281-07 (Vehicles) in the estimated amount of \$528,771.32. The participation by the City of El Paso in the TASB Buy Board Program was approved by Mayor and City Council on August 21, 2007.

Department: General Services  
Account No.: 37150068 – 508006 – 27265 – PFLESVC01  
Funding Source: Vehicular Equipment  
Total Estimated Award: \$528,771.32  
Reference No.: 2009-249

Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, and Mr. Stuart Ed, Director of General Services, commented.  
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**10B. FINANCIAL SERVICES**

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Kinloch Equipment and Supply, Inc., a contractor for the Texas Association of School Boards (TASB) Buy Board, for the purchase of five Elgin Street Sweepers under contract number 271-07 (Vehicles) in the estimated amount of \$1,033,815. The participation by the City of El Paso in the TASB Buy Board Program was approved by Mayor and City Council on August 21, 2007.

Department: General Services  
Account No.: 37150068 –508006 – 27265 – PFLESVC01  
Funding Source: Vehicular Equipment  
Total Estimated Award \$1,033,815  
Reference No.: 2009-248

Representative Quintana commented.

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

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**11A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Sections 20 and 29 Block 80, Township 1, Texas and Pacific Railroad Surveys City of El Paso, El Paso County, Texas, from R-3A (Residential) to C-2 (Commercial) and imposing a condition; Parcel 2: a portion of Section 21, Block 80, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from R-3A/C (Residential/Conditions) to C-2 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**11B. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance releasing a condition placed on property by Ordinance No. 016732 which changed the zoning of a portion of Section 21, Block 80, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**12.**

**ORDINANCE 17125**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 010873, 012221, 012476, 012636, 014826, 015415, 015961, AND 016456 WHICH ESTABLISHED OPERATING PROCEDURES AND SET FEES FOR FOREIGN-TRADE ZONE NO. 68, TO ADD A DESIGNATION FOR DISTRIBUTION SITE OPERATOR; TO ADD USER FEES; TO PROVIDE FOR THE REMOVAL OF FTZ DESIGNATION; AND TO IMPLEMENT A SMALL MANUFACTURING BUSINESS ACCELERATOR PROJECT AT FOREIGN - TRADE ZONE NO. 68.**

Representative Acosta commented.

Mr. Joe Quinonez, Foreign Trade Zone Manager for the Department of Aviation, commented.

Mr. James Medina and Ms. Maria Newbold, representing Honeywell, commented.

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

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

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

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**13.**

**ORDINANCE 17126**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO CITY CODE BY ADDING MESQUITE HILL DRIVE AND TIERRA DORADA DRIVE TO SUBSECTION F (THIRTY-FIVE MILES PER HOUR). THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

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

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**14.**

**RESOLUTION**

**THAT** the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Centro Mayapan, Inc., a Texas Corporation, ("Applicant") in relation to the Applicant's operation of its business, Centro Mayapan, as a Commercial Center, located at 2101 Myrtle Avenue in El Paso, Texas.

Mayor Cook and Representatives Holguin, Quintana, Acosta, Lilly, Ortega, and O'Rourke commented.

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

The following members of the public commented:

1. Ms. Cindy Arnold, La Mujer Obrera and Centro Mayapan
2. Mr. Erasmo Andrade
3. Ms. Lisa Turner
4. Mr. David Henderson

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Quintana, seconded by Representative O'Rourke, and carried to **APPROVE** the Resolution, **WITH REVISION TO THE POSTING LANGUAGE** to add "the funds are to be accounted for as deemed appropriate by Financial Services and the City Manager is authorized to submit all documentation to effectuate the contract" and to add that the City Manager be directed to instruct the Economic Development Director to bring back to Council a report on January 5, 2010, regarding the status of the loan repayment.

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

NAYS: None

ABSTAIN: Representative Holguin

ABSENT: Representative Castro

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**15.**

**RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso ordered a run-off election to be held in said City on June 6, 2009, for the purpose of electing the below named City official for the term as established by and in accordance with the Charter of the City of El Paso; and

**WHEREAS**, the election officers who held said run-off election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council.

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

1. That the City Council officially finds and determines that said run-off election was duly given, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the resolution and amendments thereto calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said run-off election for the following officer by the resident, qualified electors of said City, who voted at the election: \_

**DISTRICT REPRESENTATIVE NO. 4**

Melina Castro	1,336
Carl L. Robinson	2,858

3. That in the case of the following office, the following person who received more than a 50% majority of the votes cast for candidates for such office is hereby declared elected to such office for the ensuing term, or until the election and qualification of his successor, subject to the proper issuance of a certificate of election by the presiding officer, and that the number of votes cast for each person who was a candidate for such office, according to the returns, is shown in paragraph 2 hereof:

**DISTRICT REPRESENTATIVE NO. 4**

Carl L. Robinson

4. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2009 City Run-Off General Election showing the number of votes cast in each precinct for each candidate.

5. That this Resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

6. That this Resolution was acted upon in accordance with the law by the presiding officer and the City Council and was deemed by said City Council that upon passage of the Resolution, it shall take effect immediately.

7. This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose.

Mayor Cook commented.

Ms. Richarda Momsen, Municipal Clerk, commented.

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

.....  
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 11:12 p.m.  
.....

**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk