

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 19, 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, Melina Castro, Steve Ortega, and Beto O'Rourke. Late arrivals: Presi Ortega, Jr. at 8:38 a.m., Eddie Holguin, Jr. at 8:40 a.m. and Ann Morgan Lilly at 8:41 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. JUNETEENTH
2. LULAC PROJECT AMISTAD

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:37 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, Presi Ortega, Jr., and Holguin

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:30 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

EX1. Airport Business Center vs. City of El Paso; Cause No. 2003-1652. (551.071)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Steve Ortega, and unanimously carried that the City of El Paso authorizes the City Attorney's Office and Outside Counsel for the City of El Paso to negotiate a final settlement of the lawsuit styled Airport Business Center vs. City of El Paso, Cause No. 2003-1652; and that the City Manager be authorized to sign all documents related to such settlement as recommended by the City Attorney's Office and Outside Counsel for the City of El Paso

EX2. Discussion and action relative to City Manager's Annual Performance Review. (551.074)

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded Representative Byrd, and unanimously carried to **APPROVE** the City Manager's Annual Performance Review.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

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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, Steve Ortega and O'Rourke
NAYS: None

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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 12, 2007, and the Special City Council Meeting of June 13, 2007.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority and named its initial Board, but the entity does not yet have the capacity to hire legal counsel to assist in the initial start-up phase of its development;

WHEREAS, the City finds that the establishment of the Camino Real Regional Mobility Authority directly benefits the City of El Paso and its citizens through the improvement of the area's transportation system in and around the City of El Paso;

WHEREAS, the City finds that the provision of legal services to the Camino Real Regional Mobility Authority in this entity's crucial initial phase is in the best interest of the City of El Paso and its citizens, as the provision of such legal services continues to assist in the establishment of said entity, and as such, constitutes an important public purpose or benefit to the City, for which the City is willing to expend its resources; and

WHEREAS, actions related to the development of transportation systems are recognized governmental functions and the City's provision of the referenced legal services shall be provided solely as a governmental function of this City in an effort to assist in the development of the area's transportation systems;

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

1. That in furtherance of the establishment of the Camino Real Regional Mobility Authority (CRRMA), the City of El Paso finds it in the public purpose to provide legal services to the CRRMA in order to assist in the initial phases of the establishment of the CRRMA and therefore authorizes the Office of the City Attorney to provide legal services to the CRRMA; and
2. That the City's provision of legal services shall continue until such time that the City, through act of the City Council, City Manager, or City Attorney, shall provide written notice to the Camino Real Regional Mobility Authority that the provision of such legal services shall cease.

Mayor Cook and Representatives Byrd, Steve Ortega, and Castro commented.

Mr. Richard Schechter and Ms. Lisa Turner, citizens, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYES: Representatives Castro and Holguin

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3B.

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Sli Engineering, Inc., a Texas Corporation, to perform consulting services for a project known as "Alamito 2005 Hope IV – St. Vrain Street, Street And Drainage Improvements" in an amount not to exceed \$103,025.63

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

Mr. Javier Reyes, Engineering Division Manager, and Mr. Alan Shubert, Interim City Engineer, commented.

Mr. George Halloul, Sli Engineering, commented.

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3C.

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Ricondo & Associates, an Illinois Corporation, to perform consulting services for a project known as "Environmental Assessment for Extension of Runway 8r-26l El Paso International Airport," in an amount not to exceed \$371,807.

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3D.

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and El Paso City-County Health and Environmental District to allow the El Paso City-County health

and Environmental District to install and monitor an air quality monitoring facility within the basin of the City's Van Buren Dam located at the corner of Alabama Street and Harrison Street.

Representative Byrd commented.

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4. DISCRETIONARY FUNDS

*Motion made, seconded and carried to **APPROVE** authorization for District 5 discretionary funds to pay for letters placed at Gary del Palacio Recreation Center in the amount of \$4,076 payable to Graphics International of which \$2,038 has been paid by Representative Presi Ortega (Account No. 504420, ID 01153007, Fund 16505, Project PD50426) as requested by Representative Presi Ortega, Jr.

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5. APPLICATIONS FOR TAX REFUND

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

- A. IHS El Paso LP in the amount of \$4,140.77 overpayment of 2006 taxes.
(PID #0827-999-2364-0042).
- B. Sierra Title Company in the amount of \$6,455.72 overpayment of 2006 taxes.
(PID #L626-999-0010-1500).
- C. Chase Home Finance LLC in the amount of \$4,450.63 overpayment of 2005 taxes.
(PID #R457-999-0030-0700).
- D. Stewart Title in the amount of \$2,683.00 overpayment of 2006 taxes.
(PID #X298-000-0000-0226).

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6A. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-158 (Proprietary Parts & Service-Ford New Holland Equipment) to Bissett Specialty Equipment, Inc. for a total estimated award of \$60,000.

Department:	General Services-Fleet Division
Award to:	Bissett Specialty Equipment, Inc. El Paso, Texas
Items:	Part A and Part B
Annual Estimated Amount:	\$20,000
Account No.:	37370510 – 503121 - 45202
Funding Source:	General Services Department-Fleet Services 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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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-168 (Peterbilt Proprietary Parts & Service-Fleet Service) to Rush Truck Centers of Texas, L.P., d/b/a Rush Truck Center, El Paso for a total estimated award of \$375,000

Department: General Services-Fleet Division
Award to: Rush Truck Centers of Texas, L.P.
d/b/a Rush Truck Center, El Paso
El Paso, Texas
Items: Part A and Part B
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two additional years if the option is exercised within two or three years from the date of the award.
Annual Estimated Amount: \$125,000
Account No.: 37370510 – 503121 - 45202
Funding Source: General Services Department/Fleet Services Internal Service Fund
Total Estimated Award: \$375,000

This is a requirements type contract with an initial term of 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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6C. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-180 (Sale of Used Crown Victoria Patrol Cars) to James W. Tate for a total amount of \$25,450.

Department: General Services
Award to: James W. Tate
El Paso, Texas
Items: 1 through 16
Account No.: 27507 – 407029 – 37150068 - PFLESVC01
Funding Source: Revenue
Total Award: \$25,450

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

The Departments of Financial Services and General Services recommend award as indicated to the highest Bidder.

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7. INTRODUCTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., 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 the South 60 feet of Tract 187, Sunrise Acres, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

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

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8A.

R E S O L U T I O N

That the City Manager be authorized to sign an Amendment to the Memorandum of Agreement by and between the City of El Paso and the Firemen and Policemen Pension Fund, El Paso, Texas, dated on or about May 15, 2007, relating to the resolution of the underfunding of the Fund.

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

The following City staff members commented:

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

Mr. Paul Braden, Bond Counsel, commented.

The following members of the public commented:

- 1. Mr. Richard Schechter
- 2. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
- 3. Ms. Lisa Turner

Motion made by Mayor Pro Tempore Presi Ortega, Jr. seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the Resolution.

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8B.

ORDINANCE 16667

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, TAXABLE GENERAL OBLIGATION PENSION BONDS, SERIES 2007;” AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Representatives Presi Ortega, Jr., Lozano, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Mr. Paul Braden, Bond Counsel, commented.

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, 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, Steve Ortega, and O'Rourke
NAYS: None

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

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ITEMS TAKEN TOGETHER:

9.

ORDINANCE 16668

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM.**

ADDITION TO THE AGENDA

2.

R E S O L U T I O N

WHEREAS, the City has determined that it is in the best interests of the citizens of the El Paso region to establish a Municipal Drainage Utility System under the auspices of the El Paso Water Utilities Public Service Board; and

WHEREAS, the Ordinance to establish the Municipal Drainage Utility System has been adopted and the City desires to clearly set forth the documents referenced therein which are to be on file with the City Clerk.

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

That the City Council finds that the documents identified in Ordinance No. 16668 as the "Storm 2006 Projects" consisting of the Priority I and Priority II projects in the Storm 2006 Update given by the Acting City Engineer to the City of El Paso City Council and the El Paso Water Utilities Public Service Board (PSB) on May 7, 2007 ("Update") and on file with the City Clerk, are those documents attached hereto as Exhibit A; and that the documents identified as the Priority III projects in the Update and addressed in said Ordinance, are those documents attached hereto as Exhibit B.

That the documents contained in Exhibits A and B shall remain on file with the City Clerk at all such times as Ordinance No. 16668 and any amendments or thereto or successor ordinances are in effect.

Mr. Richard Giardina, Vice President of Red Oak, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Barry Russell, Assistant Director of Parks and Recreation

Mr. Ed Archuleta, General Manager of El Paso Water Utilities, commented.

Mr. Paul Braden, Bond Counsel, commented.

The following members of the public commented:

- 1. Ms. Teodora Trujillo, El Paso Inter-Religious Sponsoring Organization
- 2. Mr. Marcelino Delgado, Border Interfaith
- 3. Mr. Richard Schecter
- 4. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce

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

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

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

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10A.

ORDINANCE 16669

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 13 AND 14, HUGHES SUBDIVISION, 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.**

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

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: 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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10B.

ORDINANCE 16670

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS PARCEL 1: A PORTION OF LOT 3, BLOCK 9, CANUTILLO INDUSTRIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING A CONDITION; PARCEL 2: A PORTION OF LOTS 4 AND 5, BLOCK 9, CANUTILLO INDUSTRIAL PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL); AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Lilly and Byrd commented.

Mr. Alan Shubert, Director of Development Services, and Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Mr. Richard Schecter, citizen, commented.

Motion duly made by Representative Lilly, 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, Steve Ortega, and O'Rourke
NAYS: None

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

10C.

ORDINANCE 16671

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 11, SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Castro and Steve Ortega commented.

Mr. Stanley Jobe, applicant, commented.

Motion duly made by Representative Castro, seconded by Representative Lozano, 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, Steve Ortega, and O'Rourke
NAYS: None

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

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10D.

ORDINANCE 16672

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00034 TO ALLOW FOR A CONVALESCENT HOME ON THE PROPERTY DESCRIBED AS LOT 4, BLOCK 3, CIELO VISTA PARK EAST UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.22.040B OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Lisa Turner, citizen, and Mr. Charles Roark, Hospice of El Paso, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, 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, Steve Ortega, and O'Rourke
NAYS: None

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

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10E. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of a portion of Lot 2, Block 46, Sun Ridge Unit 12, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment/ Office/Special Contract) to C-3/SC (Commercial/Special Contract), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Mayor Cook and Representatives Holguin, Lozano, and Lilly commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **POSTPONE** the item for one week.

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

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10F.

ORDINANCE 16673

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 7, BLOCK 6, NORTHGATE REPLAT C, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Motion duly made by Representative Castro, seconded by Representative Lozano, 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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

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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11.

ORDINANCE 16674

The City Clerk read an Ordinance entitled: **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.**

Mayor Cook and Representatives Steve Ortega and Lilly commented.

Dr. Dwayne Aboud, applicant, commented.

Motion duly made by Representative Lilly, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

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

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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12A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the item on 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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12B. MAYOR AND COUNCIL

Discussion and action, to allow staff to fully and openly respond to the recent public allegations, supported by probative evidence, made by ASARCO, regarding actions and expenditures by the City of El Paso, ongoing since the Spring of 2006, absent approval and oversight by the City Council, that could create the perception within the public that the City of El Paso has been other than forthcoming in its opposition to the possible reopening of ASARCO, and in so doing, even members of this City Council have been deprived of the ability to make honest decisions concerning matters pertaining to ASARCO.

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

Ms. Joyce Wilson, City Manager, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Tom Aldrich, Vice President of ASARCO Environmental Affairs, commented.

NO ACTION was taken on the item.

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12C. MAYOR AND COUNCIL

1ST MOTION

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

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the signing of an amendment for the Memorandum of Understanding on Cross Border Communications and Emergency Response Strategies for the Communities of: Municipality of Juarez, Chihuahua, Mexico, the City Of El Paso, Texas, United States, and the City of Sunland Park, New Mexico, United States.

Mayor Cook commented.

Mr. Robert Andrade, Executive Assistant to the Mayor, and Fire Chief Roberto Rivera commented.

Mr. Carlos Rincon, US CPA/Mexico Border Director, commented.

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ITEMS TAKEN TOGETHER:

13A.

RESOLUTION

WHEREAS, the City Council of the City of El Paso ("City") passed Ordinance No. 15933 on November 24, 2004, authorizing the City to participate in the Texas Enterprise Zone Program;

WHEREAS, the local incentives offered under this Resolution are substantially the same as those outlined in Ordinance No. 15933;

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

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDT") through the Economic Development Bank ("Bank") will consider ADP, Inc. as an enterprise zone project pursuant to a nomination and an application made by the City;

WHEREAS, ADP desires to construct and operate a new Solutions/Technical Support Facility on the property described in Attachment "A" as attached and fully incorporated herein;

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

WHEREAS, the City finds that the construction and operation of this second ADP, Inc. facility meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

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

WHEREAS, the City finds that this second facility as proposed by ADP, Inc. meets the criteria for tax relief and other incentives adopted by the City and agrees to nominate this new project as proposed by ADP, Inc. for enterprise zone project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate this new project proposal as requested by ADP, Inc. as an enterprise project pursuant to the Act.

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

1. That ADP, Inc. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation;

3. That the City Manager or her designee be authorized to sign any and all documentation required by EDT to complete the nomination process for this new project.

R E S O L U T I O N

That the City Manager or her designee be authorized to send written notice to the presiding officer of the governing body of each taxing entity having jurisdiction over the property described in Attachment "A" as attached and fully incorporated herein, of the City of El Paso's intent to enter into a Tax Abatement Agreement by and between the City of El Paso and ADP, Inc. for a new Solutions/Technical Support Facility on such referenced property; and

Be it further resolved that the City Manager be authorized to sign a Tax Abatement Agreement with ADP, Inc. in form and substance substantially similar to the proposed Tax Abatement Agreement attached as Attachment "B" and fully incorporated herein after the expiration of the seven day notice period required by §312.0241 of the Texas Tax Code.

Ms. Kathryn Dodson, Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Javier Gadney, Business Services Coordinator, commented.

Mr. Bob Cook, President of REDCo, and Ms. Irma Juarez, Assistant Manager for ADP, commented.

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

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

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14. ENGINEERING

Discussion and action regarding safety measures and/or efforts that can be taken to protect pedestrians on North Mesa Street near the Cincinnati Street intersection.

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

Representatives O'Rourke, Lilly, Steve Ortega, Presi Ortega, Jr., Castro, Lozano, and Byrd commented.

Mr. Charles "Chuck" Berry, TxDOT's El Paso District Engineer, commented.

Ms. Marjorie Ingle, citizen, commented.

Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Ingle an additional minute to address the Council.

NO ACTION, other than the above procedural Motion, was taken.

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15. FINANCIAL AND ADMINISTRATIVE SERVICES

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-162 (Third Ave. Street & Drainage Improvements) to Karlsruher Inc., dba CSA Engineers & Constructors, for a total estimated amount of \$676,668.35.

Department: Engineering
Award to: Karlsruher Inc. dba, CSA Engineers & Constructors
El Paso, Texas
Items: Base Bid I: \$515,829.30
Base Bid II: \$98,997.64
Base Bid III: \$61,841.41
Total Estimated Award: \$676,668.35
Account No: 71150069 - G7132CD0012 – 07855 - 508027
Funding Source: Community Development

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 will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, which do not make changes to the unit price, and which are within the appropriate budget.

This is a low bid, unit-price contract.

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

Representative Byrd commented.

Mr. Rick Talamo, Engineering Capital Projects Manager, commented.

Mr. David Karlsruher, Karlsruher, Inc., commented.

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16. RESOLUTION

WHEREAS, the City Council of the City of El Paso ordered a run-off election to be held in said City on June 9, 2007, for the purpose of electing the following named City official for the term of office as established by and in accordance with the Charter of the City of El Paso: District Representative No. 5; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been 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 ordered, 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 been properly 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 the law.

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. 5

Jim Suerken	877
Rachel Quintana	1207

3. That in the case of the following offices, the following persons who received a majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms established by and in accordance with the Charter of the City of El Paso, or until the election and qualification of their successors:

DISTRICT REPRESENTATIVE NO. 5

RACHEL QUINTANA

4. That on file in the City Clerk's Office and made a part hereof by reference are copies of the cumulative reports and the electronic precinct tabulations of the votes cast at the 2007 City Run-Off Election for this position.

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

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

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17. CITY MANAGER

Discussion and action on issues related to Storm 2006.

Mayor Cook and Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on the item.
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ADDITION TO THE AGENDA

1. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** authorization to expend District 6 discretionary funds, Department ID No. 01010006, Account No. 502215, Fund No. 01101, in an amount not to exceed \$1,972.65 to be used in replacing office furniture.
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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 2:06 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk