

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 24, 2008
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, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrival: Melina Castro arrived at 8:56 a.m. during Executive Session deliberations. Early departure: Representative O'Rourke at 12:34 p.m. Absent: Eddie Holguin, Jr. requested to be absent. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

100TH BIRTHDAY OF FRANCES CATHERINE GRUBBS

RECOGNITION

NORTHWEST EARLY COLLEGE HIGH SCHOOL STUDENTS WITH THE CANUTILLO INDEPENDENT SCHOOL DISTRICT

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Ray Bannon
2. Mr. Jerry Thiedt
3. Mr. Jorge Artalejo
4. Mr. Matt Carroll
5. Mr. Carl Robinson

Representative Lilly commented.

Mr. Rod Vosper, Simon Property Groups-Indianapolis, and Mr. Artemio de la Vega, Las Palmas Shopping Center, commented.

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. de la Vega an additional two minutes to address the Council.

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Quintana, and unanimously carried to **TAKE NO ACTION** at this time and refer the item back to staff to negotiate with the company to remove the blight, add anti-privacy provisions, and include some mixed used development proposals as an option.

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, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Holguin

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 17, 2008, and the Special City Council Meeting of June 14, 2008.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Eddie Holguin, Jr. from the Regular Council Meeting of June 24, 2008.

3A.

***RESOLUTION**

That the City Manager be authorized to sign the Third Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Air Wisconsin Airlines Corporation for the purpose of extending the term to August 31, 2009, and replacing Exhibits A, B-1, and B-2.

3B.

***RESOLUTION**

That the City Manager be authorized to sign a Restated General Aviation Non-Commercial Ground Lease by and between the City of El Paso ("Lessor") and C&M Airways, Inc. ("Lessee") regarding the following premises: the east 1/2 of Lot 23 and all of Lot 24, Block 4, El Paso International Airport Tracts, Unit 2, El Paso, El Paso County, Texas, commonly known as 7335 Boeing Drive.

3C.

***RESOLUTION**

WHEREAS, The New O.P.E.P (hereinafter referred to as "Grantee") is sponsoring an outdoor street festival (hereinafter referred to as "Event"), from Saturday, June 28, 2008 to Sunday, June 29, 2008; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for a street closure for less than twenty-four (24) hours to temporarily close a portion of Ochoa Street, between First Street and Paisano Drive for the use and closure of public rights-of-way from 2:00 pm Saturday, June 28, 2008 to 4:00 am Sunday, June 29, 2008, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Street and Paisano Drive, from 2:00 pm, Saturday, June 28, 2008 to 2:00 am, Sunday, June 29, 2008.

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3D. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on a Resolution authorizing the City Manager to sign and accept a Perpetual Easement Agreement with El Paso County Water Improvement District in the District's Nemexas Drainage Canal to construct, maintain, and use a traffic "round about" on and across that portion of District Property as more particularly shown in Exhibit B of the Agreement. The cost to the City is \$46,105.70.

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3E.

***RESOLUTION**

WHEREAS, on November 15, 2005, the City of El Paso awarded Bid No. 2005-256 to SamCorp General Contractors (SamCorp) for the construction of a project known as the Westside Community Park & Recreation Center; and

WHEREAS, on December 19, 2005, a Notice to Proceed was issued; and

WHEREAS, on March 6, 2007, a partial Certificate of Substantial Completion was issued for the recreation center portion of the project and a list of items to be completed or corrected was attached thereto and provided to SamCorp; and

WHEREAS, on December 5, 2007, a Certificate of Substantial Completion was issued for the whole project (the recreation center and the park) and a list of items to be completed or corrected was attached thereto and provided to SamCorp; and

WHEREAS, on May 2, 2008, a 1 year walkthrough was conducted for the project and a list of items to be completed or corrected was prepared; and

WHEREAS, SamCorp has failed to complete or correct the items on the various lists; and

WHEREAS, since April 15, 2008, there has been no communication between the City of El Paso and SamCorp; SamCorp has failed to respond to phone calls, email, or written communication; and

WHEREAS, on June 10, 2008, the City of El Paso sent a certified letter to SamCorp giving them notice of the City's intent to terminate the contract for default if, within 10 (ten) days, SamCorp did not make satisfactory arrangements to correct the items on the above mentioned lists; and

WHEREAS, SamCorp has failed to respond to the June 10, 2008 notice; and

WHEREAS, pursuant to the contract between the City of El Paso and SamCorp General Contractors, General Conditions 6.9, Right of Owner to Terminate the Contract, the city possesses the right to terminate the contract in the event of default by the contractor and a failure to cure such default after receiving notice thereof.

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

1. The City Engineer notify SamCorp General Contractors and Hartford Fire Insurance Company that the City of El Paso is terminating Bid No. 2005-256 to SamCorp General Contractors for the construction of a project known as Westside Community Park & Recreation Center, pursuant to General Conditions 6.9, Right of Owner to Terminate the Contract, due to default by SamCorp General Contractors and that the termination shall become effective immediately upon delivery of notice.
2. The City Engineer shall file a claim with Hartford Fire Insurance Company, as the surety for SamCorp General Contractors, notifying Hartford Fire Insurance Company of the City of El Paso's intent to look to the surety for performance in accordance with the terms and conditions of Bid No. 2005-256 to SamCorp General Contractors for the construction of a project known as Westside Community Park & Recreation Center.

The City Manager is authorized to sign any take over agreements or related documents upon approval by the City Attorney's Office and the City Engineer and to take any actions necessary to accomplish the intent of the Resolution.

Representative Quintana commented.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

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3F.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2006-042 to Sun City Towing and Recovery L.P. on December 13, 2005, for Towing of Motor Vehicles-City Owned for General Services; and

WHEREAS, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

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

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

That the Purchasing Manager is authorized to notify Sun City Towing and Recovery L.P., that the City is terminating Contract No. 2006-042 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of June 24, 2008.

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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3G.

RESOLUTION

That the City Manager be authorized to sign Consent to Assignment of the contract by and between the City of El Paso, Frontera Sanitation, LLC ("Assignor") and Hot Properties, Inc. a/k/a Sarabia's Portable Jons ("Assignee") with respect to the City of El Paso Contract No. 2007-135 for Rental of Portable Restrooms until September 30, 2008 and that the Contract be mutually terminated for convenience on September 30, 2008.

Representatives Castro and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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3H.

***RESOLUTION**

That the City Manager be authorized to sign Consent to Assignment of the contract by and between the City of El Paso, Transmountain Oil Company, L.C. ("Assignor") and Western Refining Wholesale, Inc. ("Assignee") with respect to the City of El Paso Contract No. 2003-179 Vehicle Fueling-Offsite for City vehicles and Contract No. 2003-205 Automotive Fuel, Diesel and Unleaded for City storage tanks.

Mayor Cook and Representatives Castro and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Jeff Belles, Director of General Services

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3I.

***RESOLUTION**

WHEREAS, the U.S. Department of Transportation (USDOT) has created a Transportation Border Congestion Relief Program (TBCRP) whereby the USDOT is seeking applications from border regions to identify and propose projects as proposed solutions to transportation congestion at the various border ports;

WHEREAS, the Texas Transportation Institute (TTI) has developed the Universal Freight Shuttle (UFS) concept and the International Bridges Department is interested in submitting the UFS concept in response to the USDOT's request for applications to the TBCRP, whereby upon approval by the USDOT, TTI would receive access to USDOT's personnel and possible funding for a feasibility study of the UFS using El Paso's international bridges; and

WHEREAS, upon USDOT approval of such application, TTI would be responsible for completion of the feasibility study and collection of any required funding for the study;

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

THAT the City Manager is hereby authorized to submit an application and any related documentation to the U.S. Department of Transportation for the Transportation Border Congestion Relief Program utilizing the Texas Transportation Institute's Universal Freight Shuttle concept. There is no cost to the City.

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3J.

***RESOLUTION**

That the City Manager be authorized to approve the FY 2009-2013 Strategic Plan for the El Paso Museum of Archaeology.

Mayor Cook commented.

Mr. Josiah Heyman, citizen, commented.

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3K.

***RESOLUTION**

That the City Manager be authorized to approve the FY 2009-2013 Strategic Plan for the El Paso Museum of History.

Mayor Cook commented.

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3L.

***RESOLUTION**

That the City Manager is authorized to execute an agreement with the Smithsonian Institution wherein the City shall pay the Smithsonian Institution \$25,078 for the public purpose of advertising and promotional benefits for the City, expenses related to the inclusion of El Paso participants, and production of one concert showcasing El Paso artists as part of the Smithsonian Institution's exhibit "A Celebration of Texas Music, Food and Wine" at the 2008 Smithsonian Folklife Festival.

Representative Castro commented.

Ms. Yolanda Alameda, Director of Museums and Cultural Affairs, commented.

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3M. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on a Resolution that the City of El Paso accepts the deeds on six parcels for the Singh Road extension.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the appointment of Gracia M. Sandoval to the City-County Animal Shelter Advisory Committee by Representative Beto O'Rourke, District 8.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the appointment of Marianne Campbell to the City-County Animal Shelter Advisory Committee by Representative Rachel Quintana, District 5.

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4C. BOARD APPOINTMENT

Motion made, seconded, and unanimously carried to **APPROVE** the appointment of Rafael Hernando III to the City Accessibility Advisory Committee by Representative Rachel Quintana, District 5.

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5. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-194 (Dorbandt Street & Drainage Improvements) to J & J General Contracting, Inc., for a total estimated amount of \$409,689.05.

Department:	Engineering Department
Award to:	J & J General Contracting, Inc. El Paso, TX
Base Bid I:	\$350,471.46
Base Bid II:	\$33,794.44
Base Bid III:	\$25,423.15
Account No.:	14200403 – 508027 – 29123 – PBE04ST108 31255008 – 508027 – 27695 – PBE04ST108
Funding Source:	2004 General Obligation Bonds and PSB Funded Capital Project
Total Estimated Award:	\$409,689.05

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 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, and 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, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

Representatives Ortega and Castro commented.

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

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6A. INTRODUCTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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:

- A. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code to delete Chapter 2.06 (Bond Overview Advisory Committee) in its entirety.

PUBLIC HEARING WILL BE HELD ON JULY 1, 2008, FOR ITEM 6A

Representatives Quintana and Castro commented.

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

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6B. – 6H & ADDITION

1A. – 1E. INTRODUCTIONS

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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:

- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all Times on Certain Streets) of the El Paso City Code to add Miranda Court. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), Zone K: No Parking 7:00 a.m. – 4:00 p.m., School Days Only, of the El Paso City Code by adding Stonehaven Drive. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- D. An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to G H Dairy-El Paso, the sole and highest bidder, such land totaling approximately 9.635 acres of land out of a portion of Lot 1, Block 1, Riverside International Industrial Center, City of El Paso, El Paso County, Texas, located in the Mission Valley area of El Paso between Pan American Drive and Southside Drive.
- E. An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to El Paso Independent School District, such land totaling approximately 14.7482 acres of land out of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso near I-10 and Sean Haggerty.

F. An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute a Special Warranty Deed and any other necessary documents as required for the sale and conveyance as recommended by the El Paso Water Utilities for the following described real property to El Paso Electric Company, such land totaling approximately 14.6275 acres of land out of a portion of Tract 1A, Section 11, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso near Stan Roberts Sr. Avenue.

ADDITION TO THE AGENDA:

A. An Ordinance granting a Non-Exclusive Franchise to River Elms, LLC to place benches at bus stops on City rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code.

B. An Ordinance granting a Non-Exclusive Franchise to Alta Vista Construction Group, L.L.C. to place benches at bus stops on City rights of way pursuant to the El Paso City Code; the penalties being as provided in Section 13.20.110 of the El Paso City Code.

C. An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Oliva Manufactured Home Sales, Inc. d/b/a Southwest Bench Ads by Ordinance Number 016796, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code.

D. An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Otto H. Maser, Jr. by Ordinance Number 016795, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code.

E. An Ordinance amending the Non-Exclusive Bus Bench Franchise previously granted to Bench Ads of El Paso, Inc. by Ordinance Number 016793, to reflect El Paso Bench Ads, LLC as the new franchisee; the penalties being as provided in Section 13.20.110 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 1, 2008, FOR ITEMS 6B – 6F AND ADDITION TO THE AGENDA 1A - 1E

G. An Ordinance changing the zoning of Lots 17 to 20, Block 3, Miraflor Addition, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to A-O (Apartment-Office) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

H. An Ordinance changing the zoning of a portion of Lots 52 and 53, San Jose Addition Replat, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 15, 2008, FOR ITEMS 6G – 6H

7A. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2008-162 (Carnegie Avenue – Street & Drainage Improvements) to Southwest Growth, Inc., for a total estimated amount of \$3,299,044.80.

Department: Engineering
Award to: Southwest Growth, Corp.
El Paso, TX

Base Bid I:	\$1,890,975.05	Option 1: \$378,833.40
Base Bid II:	\$375,520.26	Option 2: \$327,738.60
Base Bid III:	\$171,430.00	
Base Bid IV:	\$14,950.00	
Base Bid V:	\$136,832.49	
Base Bid VI:	\$2,765.00	
Account No.:	993311117 – 508027 – 27263 – PCP06ST010	
Funding Source:	2006 Certificates of Obligation	
Total Estimated Award:	\$3,299,044.80	

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 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, and 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, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Cook and Representative Byrd, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

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7B. FINANCIAL SERVICES

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-184 (Open Space Enhancements) to Accent Landscape Contractors, Inc., for a total estimated amount of \$693,768.69.

Department:	Engineering Department
Award to:	Accent Landscape Contractors, Inc. El Paso, TX
Base Bid:	\$693,768.69
Account No.:	14200403 – 508027 – 29139 – PBE04ST124B 14200403 – 508027 – 29139 – PBE04ST124C
Funding Source:	2004 General Obligation Bonds
Total Estimated Award:	\$693,768.69

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 and 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, and 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, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

NOT PRESENT FOR THE VOTE: Representative Acosta

Mayor Cook and Representative Byrd commented.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

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7C. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2008-198 (Upper Valley Drainage Improvements Phase III – Redd/Mulberry) to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc., for a total estimated amount of \$5,995,295.28.

Department:	Engineering Department
Award to:	J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. El Paso, TX
Base Bid I:	\$3,355,878.98
Base Bid II	\$2,489,778.10
Base Bid III	\$120,583.20
Base Bid Option I	\$29,055.00
Account No.:	14200500 – 508027 – 27264 – PSTM06 PW26-0A
Funding Source:	Storm 2006
Total Estimated Award:	\$5,995,295.28

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 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, and 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, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

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ITEMS TAKEN TOGETHER:

8A.

ORDINANCE 16922

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS PARCEL 1: ALL OF LOTS 1-5, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-1 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT); AND, PARCEL 2: A PORTION OF LOTS 6 THROUGH 10, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-2 (COMMERCIAL) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

8B.

ORDINANCE 16923

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00032 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 6 THROUGH 10 AND ALL OF LOTS 1 THROUGH 5, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Ms. Christina Valles, Senior Planner, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Lilly and Ortega commented.

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

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

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

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ITEMS TAKEN TOGETHER:

9A.

RESOLUTION

That the City Manager be authorized to sign a Developer’s Participation Agreement between the City of El Paso and El Paso Glory Road, LLC, to allow the City to participate in the cost of the construction of public improvements along Mesa Street, Glory Road and Cincinnati Street, in an amount not to exceed \$30,000 in accordance with Local Government Code Section 212.071.

9B.

RESOLUTION

WHEREAS, the Developer, in conjunction with its development of Property located on Mesa Street, is entering into a Developer Participation Agreement for the construction of public improvements on land that is, or will be, City Property; and,

WHEREAS, the Developer, in conjunction with its development of the Property, has agreed to convey to the City property to expand the right of way so that the City can have wider sidewalks, which will promote pedestrian traffic; and,

WHEREAS, the Developer in conjunction with the development of the Property has agreed to provide a pedestrian easement to the City for a period of fifty years; and,

WHEREAS, the fair market value for the pedestrian easement would be \$7,965.00 a year but the Developer is willing to provide the pedestrian easement for a cost of \$53,410.00 for the entire fifty-year lease period,

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

That the City Manager be authorized to sign a Pedestrian Easement Agreement with El Paso Glory Road LLC for an eighteen foot strip of land, a 0.0487 acre parcel more or less, out of a portion of Lots 4 and 5, Block 224, of the Alexander Addition, City of El Paso, El Paso County Texas, and accept a Warranty Deed from El Paso Glory Road LLC, conveying a 0.0127 acre parcel of land being a portion of Lots 1,2,3,4, 5 and 6 of Block 224 of the Alexander Addition, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the Warranty Deed. The total cost to the City is \$70,000.00.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

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10A.

ORDINANCE 16924

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 2, BLOCK 160, VISTA DEL SOL, UNIT 54, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Ortega commented.

Ms. Christina Valles, Senior Planner, commented.

Motion duly made by Representative Ortega, 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, Castro, Quintana, Ortega, and O’Rourke

NAYS: None

ABSENT: Representative 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**.

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10B. PUBLIC HEARING – DEVELOPMENT SERVICES

Discussion and action on an appeal from property owners in the Austin Terrace Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) on March 17, 2008, to approve the construction of a new residence at 111 Pennsylvania.

Mayor Cook and Representatives Byrd, Ortega, Acosta, Castro, Lilly, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Victor Torres, Director of Development Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Mr. Troy Ainsworth, Historic Preservation Officer

Mr. Bill Boyd, Boyd and Associates Inc. Architects, commented.

Mr. Frank Ainsa, representing the owner, commented.

The following members of the public commented:

1. Mr. Jose Alexandro Lozano
2. Mr. Michael Brady
3. Mr. Robert Lail
4. Ms. Cheri Dorsey
5. Mr. Lance Ruck
6. Mr. Todd Southern
7. Ms. Patricia Molinar
8. Ms. Armida Ramirez

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Ruck an additional two minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representatives Quintana and O'Rourke

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to extend to Mr. Southern five minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representatives Quintana and O'Rourke

3RD MOTION

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 1:14 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative O'Rourke

4TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 1:22 p.m. and **RECONVENE** the meeting of the City Council.

5TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to grant the appeal to **OVERTURN** the ruling of the Historic Landmark Commission dated March 17, 2008.

AYES: Representatives Lilly, Byrd, Acosta, and Ortega

NAYS: Representatives Castro and Quintana

NOT PRESENT FOR THE VOTE: Representative O'Rourke

ABSENT: Representative Holguin

.....
The City Council Meeting **RECESSED** at 1:38 p.m. and **RECONVENED** at 2:29 p.m.

.....
ITEMS TAKEN TOGETHER:

11. PUBLIC HEARING - COMMUNITY AND HUMAN DEVELOPMENT

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **CLOSE THE PUBLIC HEARING** on program performance and on the Proposed Annual Action Plan 2008-2009 of the Consolidated Plan for 2005-2010 and adoption of a Final Action Plan for 2008-2009, including the 34th Year (2008-2009) Community Development Block Grant Program, FY 2008 Emergency Shelter Grant Program, and FY 2008 HOME Investment Partnerships Program Budgets.

NOT PRESENT FOR THE VOTE: Representatives Quintana and O'Rourke

12A.

RESOLUTION

That, the City Council having herein conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2008-2009 of the Consolidated Plan for 2005-2010 hereby adopts a Final Action Plan for 2008-2009, attached hereto as Exhibit "A," including the 34th Year (2008-2009) Community Development Block Grant Program, FY 2008 Emergency Shelter Grant Program and FY 2008 HOME Investment Partnerships Program Budgets, all attached hereto as Exhibit "B."

12B.

RESOLUTION

That the City Manager be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2008-2009 and all certifications contained therein; and

That the City Manager be authorized to sign Grant Agreements with HUD for the three entitlement grants covered by the Annual Action Plan: the Community Development Block Grant, the Emergency Shelter Grant and the HOME Investment Partnerships Program; and additionally sign a Grant Agreement with HUD for the Supportive Housing Program in furtherance of the Annual Action Plan; and

That the City Manager be authorized to sign all Letters of Support, Certifications of Local Government Approval, and Certifications of Consistency with the Consolidated Plan required by HUD or the State of Texas for grant applications or applications for Low Income Housing Tax Credits for programs covered by the Consolidated Plan or related Community Development programs; and

That the City Manager be authorized to sign all contracts and documents with the agencies or City departments approved for funding in the Annual Action Plan 2008-2009 related to the implementation and performance of the activities contained in the Annual Action Plan 2008-2009 and corresponding programs; and additionally, sign contracts and related documents pertaining to the Supportive Housing Program funding. The City Manager is authorized herein to sign amendments to such contracts which add to or reduce funding when such amendments are consensual, including the de-obligation of funds by mutual termination; and

That the City Manager be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications, and Performance Reports required by the U.S. Department of Housing and Urban Development for activities covered by the Consolidated Plan 2005-2010, the Annual Action Plan 2008-2009, and related Community Development programs; and

That the City Manager be authorized to sign agreements to secure matching funds which add to amounts allocated under the regular CDBG budget, provided that no additional funds from the City are required in addition to those allocated under the regular CDBG budget. The City Manager is authorized herein to sign amendments to matching fund agreements, including extensions to the contract period, provided that no additional City funds are required.

2ND AND FINAL MOTION

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

NOT PRESENT FOR THE VOTES: Representative O'Rourke

Mayor Cook commented.

Mr. William Lilly, Director of Community and Human Development, commented.

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13. MAYOR AND COUNCIL

Discussion and action directing that the City Manager revise the El Paso City Code (Zoning) to permit LED billboard signs as a form of permitted off-premise advertising; that specific location and construction criterion be developed to permit these types of signs, including but not limited to, an exchange program that allows new or alteration of legal conforming signs to LED billboard signs in exchange for the removal of three legal conforming or nonconforming off-premise signs; and that such Code amendment be presented to City Council for finalization within a period of thirty days.

Mr. Victor Torres, Director of Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Ortega, Acosta, Byrd, Quintana, Castro, and Lilly commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Manager, gave legal advice.
- 3. Ms. Christina Valles, Senior Planner
- 4. Ms. Lupe Cuellar, Assistant City Attorney

The following members of the public commented:

- 1. Mr. VJ Smith, Clear Channel Outdoor Communications
- 2. Mr. Richard Dayoub, El Paso Greater Chamber of Commerce
- 3. Mr. Tim Anderson, Clear Channel Outdoor Communications

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Dayoub an additional minute to address the Council.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 4:02 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative O'Rourke

3RD MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 4:10 p.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

4TH AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **SEND** to the LRC and return to the City Council within sixty days.

ITEMS TAKEN TOGETHER:

14A.

RESOLUTION

WHEREAS, the Texas Avenue-Alameda Street Revitalization Corridor is considered an important economic component of the City of El Paso;

WHEREAS, the El Paso City Council has determined that a revitalization strategy is necessary to address the critical needs of the Texas Avenue-Alameda Street Revitalization Corridor in order to foster and support economic growth and to facilitate new investment to the area;

WHEREAS, Section 378.002 of the Texas Local Government Code provides that a municipality may establish a neighborhood empowerment zone if the municipality determines that creation of the zone would promote:

- 1. the creation of affordable housing, including manufactured housing, in the zone;
- 2. an increase in economic development in the zone;
- 3. an increase in the quality of social services, education, or public safety provided to residents of the zone; or
- 4. the rehabilitation of affordable housing in the zone;

WHEREAS, the City Council of the City of El Paso, Texas, finds and determines that establishing zone in the area covered by the Texas Avenue-Alameda Street Revitalization Corridor will serve the public purpose of increasing the public health, safety and welfare of the citizens of the City of El Paso.

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

- 1. TEXAS AVENUE-ALAMEDA STREET NEIGHBORHOOD EMPOWERMENT ZONE. The Texas Avenue-Alameda Street Neighborhood Empowerment Zone ("Zone") shall include the properties fronting on Texas Avenue-Alameda Street from its commencement at Texas Avenue to Loop 375, including the 5300 Block of Paisano near its intersection with Alameda, and Texas Avenue from Octavia to the commencement of Alameda Avenue including the areas within the Chamizal Neighborhood Revitalization Plan as designated by the Neighborhood Services Division of the Community Development Department and as approved by City Council and more fully and completely described on Exhibit "A" attached hereto and incorporated herein by reference.
- 2. REQUIRED DETERMINATIONS. Based upon information provided by the staff of the Department of Economic Development prior to the adoption of this Resolution, the City Council has determined that the Zone will promote the activities and conditions enumerated in Section 378.002 of the Texas Local Government Code.

The City Council further finds that the Zone satisfies the requirements contained in Section 312.202 (6) of the Texas Tax Code and is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the municipality.

3. GRANT AMOUNT. Commercial properties located within the Zone shall be eligible for grants of an economic equivalent of up to a 100% tax abatement on the City's portion of the real property taxes assessed against improvements to the real property within the Zone according to the following guidelines:
 - A. Minimum Expenditure required. A minimum total aggregate expenditure of \$100,000.00 for improvements to real property within the Zone shall be required in order to apply for a 380 Grant under this section.
 - B. Permits. All improvements or new construction made within the boundaries of the Zone must have first obtained all applicable approvals and permits before improvements or construction is begun in order to be eligible this grant.
 - C. Building Standards. All proposed construction must be completed in accordance with the Building Standards attached hereto as Exhibit "D".
 - D. Separate Agreements required. The City will, by separate Chapter 380 Agreement, consistent with Chapter 380 of the Texas Local Government Code, consider granting the economic equivalent of up to 100% tax abatement on improvements to real property for a period to be determined by the Agreement but not to exceed five (5) years. The Agreement shall be in the form and substance substantially similar to the Chapter 380 Economic Development Program Agreement attached to this Resolution as **Exhibit "B"** and the City Manager is hereby granted authority to enter into such Agreements when the proposed development meets the guidelines specified herein.
 - E. Documentation required. Commercial development projects deemed entitled to a grant under this Section must provide documentation necessary to support a grant claim in a form prescribed by the City's Director of Economic Development.
 - F. Ineligible Uses. Exhibit "C" contains the ineligible uses under this section. Uses identified on this exhibit are not eligible for the grant.
4. BUILDING PERMIT FEE WAIVER. The City Council will consider ordinance amendments to permit either reduced or waived building permit fees for projects within the Zone that meet the minimum expenditure requirement set forth above.
5. TERM. The Texas Avenue-Alameda Street Neighborhood Empowerment Zone shall exist for a term of five (5) years from the date of the adoption of this Resolution. Upon the expiration of five (5) years all incentive programs shall cease.

14B.

RESOLUTION

WHEREAS, the Dyer Street Revitalization Corridor is considered an important economic component of the City of El Paso;

WHEREAS, the El Paso City Council has determined that a revitalization strategy is necessary to address the critical needs of the Dyer Street Revitalization Corridor in order to foster and support economic growth and to facilitate new investment to the area;

WHEREAS, Section 378.002 of the Texas Local Government Code provides that a municipality may establish a neighborhood empowerment zone if the municipality determines that creation of the zone would promote:

1. the creation of affordable housing, including manufactured housing, in the zone;
2. an increase in economic development in the zone;
3. an increase in the quality of social services, education, or public safety provided to residents of the zone; or
4. the rehabilitation of affordable housing in the zone;

WHEREAS, the City Council of the City of El Paso, Texas, finds and determines that establishing zone in the area covered by the Dyer Street Revitalization Corridor will serve the public purpose of increasing the public health, safety and welfare of the citizens of the City of El Paso.

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

3. **DYER STREET NEIGHBORHOOD EMPOWERMENT ZONE.** The Dyer Street Neighborhood Empowerment Zone ("Zone") shall include the properties fronting on Dyer Street from its commencement at Pershing Avenue to its intersection with U.S. Highway 54 and including the property contained with the "Lower Dyer Revitalization Plan" as designated by the Neighborhood Services Division of the Community Development Department and as approved by the City Council and more fully and completely described on Exhibit "A" attached hereto and incorporated herein by reference.
4. **REQUIRED DETERMINATIONS.** Based upon information provided by the staff of the Department of Economic Development prior to the adoption of this Resolution, the City Council has determined that the Zone will promote the activities and conditions enumerated in Section 378.002 of the Texas Local Government Code.

The City Council further finds that the Zone satisfies the requirements contained in Section 312.202 (6) of the Texas Tax Code and is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the municipality.

3. **GRANT AMOUNT.** Commercial properties located within the Zone shall be eligible for grants of an economic equivalent of up to a 100% tax abatement on the City's portion of the real property taxes assessed against improvements to the real property within the Zone according to the following guidelines:
 - A. **Minimum Expenditure required.** A minimum total aggregate expenditure of \$100,000.00 for improvements to real property within the Zone shall be required in order to apply for a 380 Grant under this section.
 - B. **Permits.** All improvements or new construction made within the boundaries of the Zone must have first obtained all applicable approvals and permits before improvements or construction is begun in order to be eligible this grant.
 - C. **Building Standards.** All proposed construction must be completed in accordance with the Building Standards attached hereto as Exhibit "D".

- D. Separate Agreements required. The City will, by separate Chapter 380 Agreement, consistent with Chapter 380 of the Texas Local Government Code, consider granting the economic equivalent of up to 100% tax abatement on improvements to real property for a period to be determined by the Agreement but not to exceed five (5) years. The Agreement shall be in the form and substance substantially similar to the Chapter 380 Economic Development Program Agreement attached to this Resolution as Exhibit "B" and the City Manager is hereby granted authority to enter into such Agreements when the proposed development meets the guidelines specified herein.
 - E. Documentation required. Commercial development projects deemed entitled to a grant under this Section must provide documentation necessary to support a grant claim in a form prescribed by the City's Director of Economic Development.
 - F. Ineligible Uses. Exhibit "C" contains the ineligible uses under this section. Uses identified on this exhibit are not eligible for the grant.
4. BUILDING PERMIT FEE WAIVER. The City Council will consider ordinance amendments to permit either reduced or waived building permit fees for projects within the Zone that meet the minimum expenditure requirement set forth above.
 5. TERM. The Dyer Street Neighborhood Empowerment Zone shall exist for a term of five (5) years from the date of the adoption of this Resolution. Upon the expiration of five (5) years all incentive programs shall cease.

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

Mayor Cook and Representatives Castro, Byrd, Acosta, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE** the Resolutions to include the 5300 block of Paisano up to Alameda.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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15. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action of the use of procurement programs.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on the item.

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Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to
ADJOURN this meeting at 4:53 p.m.

NOT PRESENT FOR THE VOTE: Representative O'Rourke
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk