

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
DR. MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 28, 2011
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Cortney Carlisle Niland. Late arrivals: Ann Morgan Lilly and Steve Ortega at 8:33 a.m. during Executive Session deliberations, and Susannah M. Byrd at 8:36 a.m., during Executive Session deliberations. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. INDEPENDENTS' WEEK**
- 2. SUN METRO DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Michael Clements
3. Mr. Tom Brown
4. Mr. Marc Sanchez
5. Mr. Salvador Gomez
6. Ms. Sonia Brown
7. Mr. Joe Salcido

Motion made by Representative Robinson, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:31 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 items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd, and Ortega

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:08 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. 390 and 400 Colfax, El Paso, El Paso County, Texas 79905 (551.072)

Motion made by Representative Byrd, seconded by Representative Ortega, and carried that the City Manager, or her designee, be authorized to:

1. Continue negotiations for the purchase of the real property municipally known and numbered as 390 and 400 Colfax, El Paso El Paso County Texas and the improvements located on the property;
2. Sign an earnest money contract in form and substance approved by the City Attorney or his designee;
3. Sign any and all other documents required to consummate the purchase of the property and the improvements in accordance with the terms recommended by the City Attorney or his designee; and
4. Consider the use of funds from the City of El Paso Economic Development Impact Fund for the acquisition of the subject property.

AYES: Representative Lilly, Byrd, Robinson, Noe, Holguin, Ortega and Niland
 NAYS: None
 ABSTAIN: Representative Acosta

Representative Ortega commented.

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1A. MAYOR AND COUNCIL

1st MOTION

Motion made by Representative Robinson, seconded by Representative Holguin, and unanimously carried to **ELECT** Representative Ann Morgan Lilly as Mayor Pro Tempore.

2nd AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Byrd, and carried to **ELECT** Representative Eddie Holguin, Jr. as Alternate Mayor Pro Tempore.

ABSTAIN: Representative Holguin

Representatives Lilly, Acosta, and Robinson commented.

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1B. MAYOR AND COUNCIL

R E S O L U T I O N

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE EL PASO CITY COUNCIL

SECTION 1. PURPOSE OF RESOLUTION

This Resolution is adopted pursuant to Section 3.5.B of the Charter of the City of El Paso as a procedural guide for the benefit of the City Council and for the general information of the public. These rules shall apply to regular or special meetings at which action is to be taken, but shall not apply to meetings for committees of the City Council or to informational gatherings of the Council.

SECTION 2. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Council which is otherwise legal shall be invalidated merely by reason of the failure of the Council or City staff to follow these Rules of Order, unless the majority of the Council agrees that such action shall be invalidated.

SECTION 3. STANDING

No one other than a member of the City Council shall have standing to assert before the Council that any action taken by the Council is invalid by reason of the Council's failure to comply with these Rules of Order.

SECTION 4. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Council members present and voting, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 5. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council, but if for any reason he is absent from the City, sick or unable to act, then the Mayor Pro Tempore shall preside at such meetings and at such times shall exercise all of the powers and discharge the duties of the Mayor, except that the Mayor Pro Tempore shall vote as a Representative. In the absence or inability of both the Mayor and the Mayor Pro Tempore, the Alternate Mayor Pro Tempore shall preside and shall vote as a Representative. Upon the arrival of the Mayor, the Mayor Pro Tempore or the Alternate Mayor Pro Tempore, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Council.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council, and shall state questions coming before the Council as necessary for clarity, and shall announce the decision of the Council on all subjects.

SECTION 6. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from his decision to the Council that is present, the majority of whom, present and voting, may override the decision.

SECTION 7. VOTING

The electronic voting system shall be utilized for the casting of the roll call votes of the Council in Council Chambers except as otherwise provided herein. The City Clerk shall call for an electronic vote and each Representative shall, without undue delay, cast his or her vote on the electronic voting system. When all votes have been cast, the City Clerk will review, announce and display the results of the voting, and staff will capture the display on the digital recording of the meeting or fully read the results into the record. In the event of a tie vote, the City Clerk will announce the results and call for the Mayor's vote before displaying the results. Any error in voting or any discrepancy between the display of the votes and the City Clerk's announcement of the results shall be corrected prior to the time that the Council proceeds to consider the next agenda item.

The requirements under this section for the use of the electronic voting system shall be automatically suspended under the following circumstances and for the duration as announced by the City Clerk: (a) upon the announcement of the City Clerk that the electronic voting system is not working properly; (b) for votes on procedural matters including motions to recess and to take an agenda item out of order, and

votes by acclamation; (c) when the Council is voting on more than one agenda item simultaneously; and (d) when more than one vote will be taken pertaining to an agenda item and in such instance, the City Clerk shall announce which vote shall be taken by use of the electronic voting system and which vote(s) shall be taken only by voice vote.

In the event that the use of the electronic voting system is suspended or the system is otherwise not available, the City Clerk shall call the roll beginning with the Representative seated furthest to the Mayor's right and continuing in that order. Each Representative shall audibly indicate his or her vote.

Records of all roll call votes shall be incorporated in the Minutes of the meeting.

SECTION 8. RECORDED DEBATE

A Representative may request, through the presiding officer, to have an abstract of his statement on any subject under consideration by the Council entered in the Minutes or to attach any document referenced during a Council meeting to the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Council.

SECTION 9. ORDER OF PRECEDENCE OF MOTIONS

A motion to adjourn shall take precedence over all other motions and shall be non-debatable; however, if such a motion is made prior to the disposition of all agenda items, the motion to adjourn must be approved by two-thirds of all Council members present.

A question of order shall take precedence over all other motions except a motion to adjourn.

A motion to postpone shall take precedence over all other motions except the motion to adjourn or a question of order, and may, at the sole discretion of the presiding officer, be debatable.

At the discretion of the presiding officer, prior to voting on any motion, the Council may modify the motion by one or more motions to amend. A motion to amend shall have precedence over the main motion and shall be approved by a simple majority of those present and voting. Following approval of any amendment(s), Council shall vote on the merits of the main motion as amended.

SECTION 10. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Council may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 11. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, and when recognized by the presiding officer, shall address only the question under consideration.

SECTION 12. RIGHT OF CITIZENS TO BE HEARD

Any citizen of the City of El Paso shall have a reasonable opportunity to be heard at all public hearings of the City Council in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of City affairs or business which is within the scope of the authority and legislative functions of the City Council. Provided, however, that the time allowed for each citizen's appearance before City Council will be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted five (5) minutes to present their position on issues. Time will be kept by the City Clerk. Members of Council may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of Council, present and voting.

A maximum of thirty minutes will be allotted for a public comment portion of each regular City Council meeting. Members of the public wishing to provide comment on items not already posted on the agenda during the public comment portion of the City Council agenda must sign up prior to 9:00 am on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside

of Council Chambers on the day of the Council meeting up until 9:00 am. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment.

To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the City Council for comment, a person may sign up to obtain one time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a City Council meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, no speaker will have more than five minutes to speak or otherwise make a presentation, regardless of the number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the City Clerk will make one announcement as to the amount of time that each person has to provide comment. The City Clerk will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Council nor rebutted or debated by members of the public. Any member of the City Council may propose that the topic commented on be posted by staff on a future Council meeting agenda for the Council's discussion and action.

If the allotted thirty minutes for the public comment portion of the agenda have not been completely utilized by the persons who signed up, obtained a time slot and had the opportunity to speak to the Council, and one or more of these speakers had signed up to speak on multiple topics but were not able to finish their comments within their allocated time slot, then the Council, upon the request of one Council member and at the Council's discretion, may determine that it will grant additional time to one or more of these persons to speak a second time on the same topics. In such event, the City Clerk will advise the Council of the time remaining for these speakers and the Presiding Officer will allocate the remaining time among the persons who will be allowed to speak a second time, not to exceed five minutes per person.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place.

At the time that the consent agenda is taken up for consideration, the City Clerk shall advise the Mayor Pro Tempore whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Mayor Pro Tempore shall have the floor and may ask the City Clerk to call those individuals up to the podium to hear their questions. At that time, the City Clerk will announce the agenda item number and call the person to the podium. The Mayor Pro Tempore may request the City Manager to respond to the questions raised by the members of the public. In his or her discretion, the Mayor Pro Tem may move the consent agenda item to the regular agenda for continued discussion and action by the City Council.

Members of Council may move to overrule the determinations by the Mayor Pro Tempore under this section by a simple majority vote of the Council members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Council, not to the staff. Council may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from Council Chambers if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Members of Council may move to overrule such determination by the presiding officer subject to a simple majority vote of Council, present and voting.

SECTION 13. CALLING AND ORDER-OF AGENDA ITEMS

Executive Session will be scheduled as the first item for discussion and action. When the City Council retires into Executive Session to consider items posted for such a session, the City Attorney shall designate which of such items shall be considered during the time period from 8:30 a.m. to 9:00 a.m., and any remaining items posted for the Executive Session shall be considered at the end of the meeting or other such time as determined by the Council. The Invocation and Pledge of Allegiance will take place no sooner than 9:00 a.m. Ceremonial items, including proclamations, will be presented next at the direction of the presiding officer, not to exceed thirty (30) minutes. The public comment (call to the public) portion of the agenda will follow, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the consent agenda. Items removed from the consent agenda by the Mayor Pro Tempore or at the request of other Council members will be considered at the time when items for the related department are being considered or as otherwise requested by the Mayor Pro Tempore. The introduction of ordinances will be considered first on the regular agenda, followed by the procurement items posted on the regular agenda by the Financial Services and/or Engineering and Construction Management departments, and any reports or updates from the City’s Committees, Boards and Commissions.

At the time that each agenda item is to be considered by the City Council, the City Clerk will announce all agenda items by number and a brief statement as to the nature of the item when appropriate. In the case of a revision, the City Clerk or staff shall read the item into the record, as appropriate.

SECTION 14. PARLIAMENTARIAN

The City Attorney and the Deputy City Attorney are confirmed to serve as Parliamentarian and Alternate Parliamentarian, respectively.

SECTION 15. USE OF ELECTRONIC DEVICES

Electronic devices within Council chambers shall be used in accordance with all established City practices and procedures and as directed by Information Technology Department staff providing support services during a meeting. City staff, other than the dignitary protection officers, and members of the public shall turn off the signals of all pagers, cellular telephones and other devices capable of making an audible signal and shall not make or take any telephone calls while in Council chambers once a Council meeting has been called to order.

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution adopting the current Rules of Order for City Council meetings as is.

Mayor Cook commented

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2. MAYOR AND COUNCIL

Presentation by Juarez Competitiva, a social movement, to change the image of our region.

Ms. Malena Cardiel, Coordinator, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Acosta commented.

Mr. Ted Marquez, Deputy Director of Department of Transportation, commented.

Ms. Cecilia Levine, President of MFI International

NO ACTION was taken on this item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, 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, Robinson, Noe, Holguin, Ortega, and Niland
NAYS: None
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3. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 21, 2011.
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4. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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5A.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and Simply Wheelz, LLC dba Advantage Rent A Car to extend the term of the agreement through Nov. 30, 2011.
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5B.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and Avis Rent A Car System, LLC to extend the term of the agreement through Nov. 30, 2011.
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5C.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and DTG Operations, Inc. dba Dollar Rent A Car dba Thrifty Car Rental to extend the term of the agreement through Nov. 30, 2011.
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5D.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and EAN Holdings, LLC to extend the term of the agreement through Nov. 30, 2011.
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5E.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and Budget Rent A Car of El Paso, Inc. to extend the term of the agreement through Nov. 30, 2011.

5F.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and The Hertz Corporation to extend the term of the agreement through Nov. 30, 2011.

5G.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Vehicle Rental Concession Agreement by and between the City of El Paso and of EAN Holdings, LLC d/b/a National Car Rental and Alamo Rent A Car to extend the term of the agreement through Nov. 30, 2011.

5H.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Maintenance Facility and Land Lease For Auto Rental Concession between the City of El Paso and Simply Wheelz LLC, dba Advantage Rent A Car, to allow for an option to extend the lease through August 31, 2014 and additional options for the following described property:

Lot 4, Block 1-C, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known as 6535 DeHavilland Dr., El Paso, Texas.

5I.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the Temporary Land Use Lease between the City of El Paso and DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, to allow for an option to extend the lease through November 30, 2011 and additional options to extend for the following described property:

A portion of Tract 4A26, Block 2, Ascarate Grant, and a portion of Block 1D, El Paso International Airport Tracts, Unit 5, City of El Paso, El Paso County, Texas.

5J.

***RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to the Maintenance Facility and Land Lease For Auto Rental Concession between the City of El Paso and DTG Operations, Inc., dba Dollar Rent A Car dba Thrifty Car Rental, to allow for an option to extend the lease through November 30, 2011 and additional options to extend for the following described property:

Lot 4, Block 1-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known as 6511 Allegheny Dr., El Paso, Texas.

5K.

***RESOLUTION**

WHEREAS, Plum City Lounge (hereinafter referred to as "Grantee") is sponsoring an outdoor block party (hereinafter referred to as "Event"), from Thursday, April 28, 2011 to Friday, April 29, 2011; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on a portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 5:00 p.m. Thursday, April 28, 2011, to 2:00 a.m. Friday, April 29, 2011, 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 service of alcoholic beverages on portions of the City 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 service of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 8:00 p.m. Thursday, April 28, 2011 to 2:00 a.m. Friday, April 29, 2011.

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5L.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 27th day of October, 2010, after due notice and hearing, issued an order to BLAS NEVAREZ and CARMEN NEVAREZ, record Owners of the hereinafter described property that the structure be demolished within thirty (30) days and that the premises be cleaned of all weeds, trash, and debris within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Department of Transportation of the City of El Paso has been ordered to proceed to demolish and clean the premises of all weeds, trash, and debris.

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

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

1. That the City Council determines the actual cost of the demolishing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 4, Block 1, Linda Gardens, according to plat thereof, filed for record in the Deed Records of El Paso County, Texas, in Book 505, Page 641, Back, said property being situated in El Paso, County, Texas, more particularly described as 577 Gallagher Street, El Paso, Texas,

to be \$13,835.92, performed by the Department of Transportation of the City of El Paso, and \$1,002.66, performed by the City Clerk's Office and Environmental Services Department, making a total of \$14,838.58. The City Council finds that the work was completed on the 4th day of March, 2011, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of FOURTEEN THOUSAND EIGHT HUNDRED THIRTY-EIGHT AND 58/100 DOLLARS (\$14,838.58) to be a lien on the above-described property.

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

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

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 25th day of July, 2010, after due notice and hearing, issued an order to DAVID HERNANDEZ, JR., record Owner of the hereinafter described property that the structure be demolished within thirty (30) days and that the premises be cleaned of all weeds, trash, and debris within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Department of Transportation of the City of El Paso has been ordered to proceed to demolish and clean the premises of all weeds, trash, and debris.

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

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

1. That the City Council determines the actual cost of the demolishing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

All of Lot 17, Block F, Santa Fe Addition to the City of El Paso, El Paso County, Texas, more particularly described as 410 Canal Road, El Paso, Texas,

to be \$10,471.78, performed by the Department of Transportation of the City of El Paso, and \$989.82, performed by the City Clerk's Office and Environmental Services Department, making a total of \$11,461.60. The City Council finds that the work was completed on the 29th day of January, 2011, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of ELEVEN THOUSAND FOUR HUNDRED SIXTY-ONE AND 60/100 DOLLARS (\$11,461.60) to be a lien on the above-described property.

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

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

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5M.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), whereby UTEP agrees to provide technical support to the MPO with respect to strategic short-range and long-range transportation plans.

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5N.

***RESOLUTION**

WHEREAS, on November 14, 2006, City Council rezoned the property described as a portion of Lot 2, Block 2, Medano Heights Subdivision Replat "A", City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3/c (Commercial/condition) and as part of the rezoning imposed a condition that prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council; and,

WHEREAS, the property owner **EP Summit Investments, L.P.** (the "Owner") is ready to proceed with development and has submitted a detailed site development plan for review; and,

WHEREAS, the detailed site development plan is subject to the development standards in the C-3/c (Commercial/condition) District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed on the subject property described as a portion of Lot 2, Block 2, Medano Heights Subdivision Replat "A", City of El Paso, El Paso County, Texas, the City Council hereby approves the detailed site development plan submitted by the Applicant. The detailed site development plan is subject to the development standards in the C-3/c (Commercial/condition) District.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-3/c (Commercial/conditions) District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-3/c (Commercial/condition) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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6A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Stephanie L. Fernandez to the Historic Landmark Commission by Mayor John F. Cook.

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6B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Suzanne Todd to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1.

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6C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Hector Arellano to the Community Development Steering Committee by Representative Steve Ortega, District 7.

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7A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katrina M. Martich to the Open Space Advisory Board by Mayor John F. Cook.

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7B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joanne G. Burt to the Open Space Advisory Board by Representative Ann Morgan Lilly.

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8A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Wastequip, a contractor under Coop Buyboard 357-10 (Refuse Bodies - Trailers), for Roll-Off Containers, 30 Yard Heavy Duty Bathtubs. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on September 19, 2006.

Department: Environmental Services and Code Enforcement
Award to: Wastequip
Beeville, TX
Annual Estimated Amount: \$130,233.60
Total Estimated Award: \$130,233.60 (for 25 units)
Funding Source: Environmental Services – Heavy Off Road Equipment
Reference No.: 2011-240

This is a Cooperative, unit price purchase.

Representatives Ortega, Acosta, Noe, and Niland commented.

Ms. Joyce Wilson, City Manager and Mr. Bruce Collins, Purchasing Manager, commented.

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8B. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Fisher Safety, a part of Thermo Fisher Scientific, and a contractor under Houston-Galveston Area Council (HGAC) Contract No. EP11-06, for the purchase of one First Defender RMX S1 handheld identification system with remote mode functionality for solids for the El Paso Police Department's Bomb Squad. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Houston-Galveston Area Council (HGAC) Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Police
Award to: Fisher Safety, a part of Thermo Fisher Scientific
Suwanee, GA
Total Estimate Award: \$53,753.15
Funding Source: FY 2011 Confiscated Funds
Reference No.: 2011-298

This is a Cooperative, unit price contract.

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8C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Business Interiors, a contractor under Texas Procurement and Support Services (TPASS) Contract No. TXMAS-6-71111060-3 (Texas Multiple Award Schedule), for the purchase of office furniture for several units in the El Paso Police Department. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS), State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: Police
Award to: Business Interiors
El Paso, TX
Total Estimated Amount: \$101,103.22
Funding Source: FY 2011 Confiscated Fund
Reference No.: 2011-265

This is a Cooperative, unit price contract.

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9. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-215 for the Gran Cima Re-Surfacing & Drainage Improvements to JAR Concrete, Inc. dba JAR Construction, Inc. for a total estimated amount of \$194,443.65.

Department: Engineering and Construction Management
Award to: JAR Concrete Inc. dba JAR Construction, Inc.
Base Bid I: \$114,928.65
Base Bid II: \$77,015
Base Bid III: \$2,500
Total Estimated Completion: \$194,443.65
Funding Source: Community Development Block Grant (CDBG) 36th Year

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

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

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

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

Representative Holguin commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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10A. – 10E. INTRODUCTIONS

Motion made by Representative Acosta, 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:

AYES: Representatives Lilly, +Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

10A. An Ordinance changing the zoning of all of Lot 8, Block 3, Hueco View Acres, City of El Paso, El Paso County, Texas from R-3 (Residential) to A-O (Apartment-Office) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10B. An Ordinance changing the zoning of all of Tract 26 and south half of Tract 25, Rangers Rest Subdivision, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10C. An Ordinance granting Special Permit No. ZON10-00046, to allow a Professional Office, Infill Development with reduced setbacks and a parking reduction on the property described as Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

10D. An Ordinance changing the zoning of a parcel of land out of Tract 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas from R-F (Ranch & Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10E. An Ordinance changing the zoning of a portion of Tract 19, of El Canutillo Acreage Tracts, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 19, 2011, FOR ITEMS 10A –10E

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11.

ORDINANCE 17594

The City Clerk read an Ordinance entitled: **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, BY ADDING KERBEY AVENUE BETWEEN N. FLORENCE STREET AND N. VIRGINIA STREET, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representatives Ortega and Lilly commented.

Mr. Ted Marquez, Deputy Director of Department of Transportation, commented.

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative 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, Acosta, Noe, Holguin, Ortega, and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Byrd and Robinson

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.

ORDINANCE 17595

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 4 AND 5, BLOCK 1, EL PASO WEST UNIT TWO, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND A PORTION OF LOT 3, BLOCK 1, EL PASO WEST UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (MANUFACTURING) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following members of the public commented:

- 1. Ms. Theresa Valdez-Harvey, Action Systems Holding Company
- 2. Mr. Frank Ainsa, representing applicant, Helen of Troy
- 3. Mr. Ike Monty, President of Investment Builders Inc. (IBI)
- 4. Mr. Stephen Harvey, Action Systems Holding Company

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period.

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, that the Ordinance be **ADOPTED WITH CONDITIONS**. 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, Robinson, Noe, Holguin, Ortega, and Niland
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 WITH CONDITIONS**.

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12B.

ORDINANCE 17596

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS: PARCEL 1: A PORTION OF LOT 3, ALL OF LOTS 4 THRU 32, BLOCK 1, ALL OF BLOCK 2, ALL OF BILLY JOE CIRCLE AND PORTIONS OF LISA ANNE WAY RIGHT-OF-WAY AND ROBERT TODD WAY RIGHT-OF-WAY, DESERTAIRE ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING A CONDITION. PARCEL 2: LOTS 1 THRU 8, BLOCK 3, AND A PORTION OF LISA ANNE WAY RIGHT-OF-WAY AND ROBERT TODD WAY RIGHT-OF-WAY, DESERTAIRE ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Robinson.

Ms. Michelle Padilla, Senior Planner for Department of Transportation, commented.

Mr. Jorge Azcarate, President, CEA Engineering Group, representing applicant.

Motion duly made by Representative Robinson, seconded by Representative Ortega, that the Ordinance be **ADOPTED WITH CONDITIONS**. 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, Robinson, Noe, Holguin, Ortega, and Niland

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 WITH CONDITIONS**.

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12C. PUBLIC HEARING – PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance granting Special Permit No. ZON11-00021, to allow for infill development and a parking reduction on the property described as Lots 15 and 16, Block 17, Franklin Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code and repealing Special Permit ZON09-00074. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Niland commented.

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13.

ORDINANCE 17597

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT OF SALE AND ANY OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF EL PASO AND THE HOUSING AUTHORITY OF THE CITY OF EL PASO WHICH WILL ALLOW FOR**

THE CITY TO CONVEY PROPERTY COMMONLY KNOWN AS 8909 OLD COUNTY LINE ROAD, EL PASO, EL PASO COUNTY, TEXAS, INCLUDING THE IMPROVEMENTS THEREON.

Representative Holguin commented.

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

Mr. Michael Spurlock, Legal Counsel/Corporate Attorney, Housing Authority of the City of El Paso, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland
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 14, 15A AND 15B WERE TAKEN TOGETHER

14. COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried to **CLOSE THE PUBLIC HEARING** on program performance and on the Proposed Annual Action Plan 2011-2012 of the Consolidated Plan for 2010-2015, and adoption of a Final Action Plan for 2011-2012, including the 37th Year (2011-2012) Community Development Block Grant Program, and the 2011-2012 Emergency Shelter Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Budgets.

15A.

RESOLUTION

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

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 2011-2012 of the Consolidated Plan for 2010-2015 hereby adopts a Final Action Plan for 2011-2012, attached hereto as Exhibit "A," including the 37th Year (2011-2012) Community Development Block Grant Program, and the 2011-2012 Emergency Shelter Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Program Budgets, all attached hereto as Exhibit "B."

Mayor Cook and Representatives Ortega, Holguin, Robinson, Byrd, Niland, and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Lilly, Director of Community and Human Development
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Peg Booker, Community Development Steering Committee member
2. Ms. Ana Duenez, El Paso Lower Valley Association
3. Mr. John Martin, Director of The Salvation Army
4. Ms. Kathryn Tracey Czajkowski, Captain of The Salvation Army

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE** a Resolution that the City Council, having conducted a public hearing in order to receive comments on program performance and on the Proposed Annual Action Plan 2011-2012 of the Consolidated Plan for 2010-2015, hereby adopts a Final Action Plan for 2011-2012, including the 37th Year (2011-2012) Community Development Block Grant Program, and the 2011-2012 Emergency Shelter Grant Program, HOME Investment Partnerships Program and Housing Opportunities for Persons with AIDS Program Budgets.

NOTE: Items Exhibit B1, Item 9; Exhibit B1, Item 6, Exhibit B1, Item 25 and Exhibit B2, Item 11 were not included in this motion, but voted on separately.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
 NAYS: None

2ND MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** Exhibit B-1, Item 9, Project Arriba.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega, and Niland
 NAYS: Representative Holguin

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **APPROVE** Exhibit B-1, Item 6 Salvation Army Social Services -Youth Program; Exhibit B-1, Item 25 Salvation Army, Transitional Housing Program and Item Exhibit B-2, Item 11, Salvation Army, Emergency Family Shelter.

AYES: Representatives Lilly Byrd, Acosta, Noe, Holguin, Ortega and Niland
 NAYS: None
 ABSTAIN: Representative Robinson

15B.

R E S O L U T I O N

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

That the City Manager or the Mayor be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2011-2012, Form SF-424, and all certifications contained therein; and

That the City Manager or the Mayor be authorized to sign Grant Agreements with HUD for the four entitlement grants covered by the Annual Action Plan: the Community Development Block Grant, the Emergency Shelter Grant, the HOME Investment Partnerships Program and the Housing Opportunities for Persons with AIDS Program; and

That the City Manager or the Mayor 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 or the Mayor, subject to completion of environmental review, be authorized to sign all contracts and documents with the agencies or City departments approved for funding in the Annual Action Plan 2011-2012 related to the implementation and performance of the activities contained in the Annual Action Plan 2011-2012 and corresponding programs. The City Manager or the Mayor 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 or the Mayor 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 2010-2015, the Annual Action Plan 2011-2012, and related Community Development programs; and

That the City Manager or the Mayor 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 or the Mayor is authorized herein to sign amendments to matching fund agreements, including extensions to the contract period, provided that no additional City funds are required.

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

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15C.

RESOLUTION

WHEREAS, on July 19, 2005, the City Council for the City of El Paso adopted a five-year (2005-2010) Consolidated Plan that serves as a comprehensive housing affordability strategy, community development plan, and submission for funding programs that address homelessness and homelessness prevention such as the Emergency Shelter Program and Community Development Block Grant Public Services homeless programs which were submitted to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, on May 26, 2009, the City Council for the City of El Paso amended the 2005-2010 Consolidated Plan by adding a Community Development Block Grant Recovery (CDBG-R) Program component, with community development needs addressed by CDBG-R activities being rated as “high or medium priority needs” in the Jurisdictional Community Development Needs Table in the 2005-2010 Consolidated Plan, and amended the Annual Action Plan (2008-2009) by adding five specific CDBG-R funded activities and budgets; and

WHEREAS, on April 26, 2011, the City Council for the City of El Paso again amended the 2005-2010 Consolidated Plan by adding a sixth CDBG-R activity – Stiles Drive Street and Drainage Improvements from Dodge to Bucher Road – Construction, to enable the City to expend its entire \$2,284,192 three-year grant in a timely and efficient manner; and

WHEREAS, the City Council, based upon a recommendation of the Director of Community and Human Development, now desires to amend for the third time the Annual Action Plan (2008-2009) and the 2009-2012 CDBG-R Program by adding a seventh activity that will allow the City to provide short term rental assistance to residents affected by canal flooding on Ramos Court; and

WHEREAS, on June 15, 2011, the City of El Paso displayed on its website public notice, in both English and Spanish, to allow a 7-day public comment period regarding the proposed amendment to the Annual Action Plan (2008-2009) and the 2009-2012 CDBG-R Program, and City Council has duly considered public comment, if any.

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

1. That the Annual Action Plan (2008-2009) and the 2009-2012 CDBG-R Program is hereby amended by adding the following new public service project to the CDBG-R Program:

Ramos Court – Short Term Rental Assistance - \$25,000 (**District 3**);

2. That the funding for this public service activity be taken from the Bucher Road Street and Drainage Improvements CDBG-R project; and
3. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution, upon approval by the City Attorney’s Office and Director of Community and Human Development Department.

Mayor Cook and Representative Acosta commented.

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

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

NOT PRESENT FOR THE VOTE: Representative Robinson

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16A. MAYOR AND COUNCIL

Discussion and action on how we can better respond to wild animal emergencies in El Paso. Presentation by Josie Karam, Wildlife Rehabilitator.

Marcia Wheatley, Chihuahuan Desert Wildlife Rescue Inc., presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Byrd, Lilly, Niland, and Robinson commented.

The following City staff members commented:

1. Police Chief Gregory Allen
2. Mr. Eduardo de Castro, Deputy Director of Animal Services

Ms. Josie Karam, Wildlife Rehabilitator, commented.

NO ACTION was taken on this item.

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16B. MAYOR AND COUNCIL

Legislative Review Committee Report

- 1) For notation: Formal report of the Environmental Services Legislative Review Committee meeting held on May 19, 2011, as submitted by Representative Suzie Byrd, Chair; and
- 2) Discussion pertaining to the agenda item, as posted on the agenda of said Legislative Review Committee meeting, as follows:

- a) Discussion and action regarding a policy for solid waste and recycling operations in severe weather conditions.
- b) Discussion and action regarding Texas Product Stewardship Council initiatives which include accounting for the full life cycle environmental impacts of products.
- c). Discussion and action regarding the definition of residential property in Chapter 9.04 (Solid Waste Management) of the City Code to include residential units larger than duplex units.
- d) Discussion and action on proposed revisions to Chapter 9.52 (Fire Prevention Code) relating to the outside storage of combustible materials.
- e) Discussion and action on proposed revisions to Chapter 5.96 (Tattooing & Body Piercing Licenses) of the City Code as relating to tattoo and body piercing artists and business licenses.
- f) Discussion and action on proposed revisions to Chapter 9.08 (Junked Vehicles) of the City Code as relating to declared nuisance and abatement of junked vehicles.

Mayor Cook and Representative Byrd commented.

NO ACTION was taken on this item.

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16C.

RESOLUTION

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

That the City Manager or her designee be authorized to file a notice of objection with the Texas Alcoholic Beverage Commission on behalf of the City of El Paso regarding the issuance of a liquor license for the sale of alcoholic beverages and the establishment of a bar at 9037 Alameda, El Paso, El Paso County, Texas.

Motion made by Representative Holguin, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution.

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ADDITION TO THE AGENDA

ADD1. REQUEST TO ISSUE PURCHASE ORDER

*Motion made by, seconded by, and unanimously carried to **AUTHORIZE** the Purchasing Manager, Financial Services, Purchasing Division, to issue a purchase order to Motorola Solutions, Inc., a Department of Information contractor under DIR Contract No. DIR-SDD-1304, for the purchase of VHF-800 MHZ interoperable devices that will interface with the Police Department's radio equipment in the amount of \$192,775.20.

Department:	Information Technology
Award to:	Motorola Solutions, Inc.
	El Paso, TX
Total Estimate Amount:	\$192,775.20
Funding Source:	PSIC Grant

Reference No.: 2011-306

This is a Cooperative, unit price contract.

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ADD EX1. Discussion and action on release of attorney client privileged information. (551.071)

NO ACTION was taken on this item.

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Motion made by Representative Noe, seconded by Representative Robinson, and unanimously carried to
ADJOURN this meeting at 12:33 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk