

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
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 26, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. A moment of silence for the troops in Iraq was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. CITY OF EL PASO PARKS AND RECREATION MONTH**
- 2. NATIONAL HIV TESTING DAY**
- 3. SOUTHWEST AIRLINES' WEEK**

RECOGNITIONS

STAR ON THE MOUNTAIN AWARD TO CORA VIESCAS

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. Ms. Alma Ramsey
2. Mr. Richard Schecter
3. Mr. Guillermo Glenn
4. Mr. Ray Gilbert

Representatives Lozano and O'Rourke commented.

1ST MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Ramsey an additional two minutes to address the Council.

2ND MOTION

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

3RD AND FINAL MOTION

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

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Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:37 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session item listed on the Agenda.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, 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.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. Claim of Jose Martinez and Jacqueline Nevarez, Our File No. 07-C-041. (551.071)

Motion made by Mayor Pro Tempore Lozano, seconded Representative O'Rourke, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimants' settlement demand in the claim of Jose Martinez and Jacqueline Nevarez, Our File No. 07-C-041.

NOT PRESENT FOR THE VOTE: Representative Lilly

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EX2. Discussion and action regarding strategies and options related to ASARCO litigation and the TCEQ permit process. (551.071)

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

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

The following members of the public commented:

1. Ms. Soledad Galvan
2. Mr. Danny Wolf
3. Mr. Cesar Ogaz
4. Mr. Juan Aguirre
5. Ms. Irene Galindo

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Aguirre to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Lozano

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Lozano, seconded Representative Ortega, and carried to authorize the City Attorney, in consultation with the City Manager, to retain an expert to develop an advertising and public relations campaign in connection with the ASARCO TCEQ permit renewal process.

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

NAYS: Representative Castro

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1A. MUNICIPAL CLERK

Discussion and action on the Election of Mayor Pro Tempore and Alternate Mayor Pro Tempore.

Representatives Ortega and Lozano commented.

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **ELECT** Representative Lozano as Mayor Pro Tempore and Representative Byrd as Alternate Mayor Pro Tempore.

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1B. MUNICIPAL CLERK

R E S O L U T I O N

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 or 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 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. Reports or updates from the City's Committees, Boards and Commissions shall be considered following the introduction of ordinances. The City Clerk will call the regular agenda items for which members of the public have signed up to speak ahead of the remainder of the items.

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. Members of Council shall not make or take telephone calls, other than calls of an emergency nature, or send, open or otherwise view any electronic communications other than internal communications with staff while in Council chambers once a Council meeting has been called to order. 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. Discussion and action on a Resolution adopting the Rules of Order for City Council meetings.

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

Ms. Elaine Hengen, Senior City Attorney, and Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Carl Robinson
- 3. Ms. Lisa Turner
- 4. Mr. Ray Gilbert

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

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Lozano, 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, Lozano, Castro, Quintana, Holguin, Ortega and O'Rourke

NAYS: None

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 12, 2007, and the Special City Council Meeting of June 19, 2007.

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3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

WHEREAS, pursuant to Section 2.28.050 of the El Paso City Code, the El Paso International Airport Board may adopt rules and regulations governing its proceedings as it may deem proper;

WHEREAS, the El Paso International Airport Board's adoption of such rules and regulations are subject to the review and approval of the El Paso City Council; and

WHEREAS, the El Paso International Airport Advisory Board has duly approved Bylaws and Rules of Order and seeks City Council approval of such rules and regulations pursuant to and in accordance with the El Paso City Code;

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

THAT the El Paso International Airport Board's proposed Bylaws and accompanying Rules of Order, which are attached hereto as Attachment "A", are hereby adopted by the City Council of the City of El Paso.

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4B.

***RESOLUTION**

That the City Manager be authorized to sign an Air Cargo Building Lease Agreement by and between the City of El Paso and US Airways, Inc. for the Air Cargo Building located at 6415 Convair, El Paso, Texas.

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4C.

***RESOLUTION**

That the City Manager be authorized to sign and accept on behalf of the City a Dedication Deed from the Ysleta Independent School District dedicating to the City real property for use as public right-of-way located within a portion of Tract 1F, Section 41, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in Exhibit "A" of the Dedication Deed.

Representative Castro commented.

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

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4D.

***RESOLUTION**

WHEREAS, on June 5, 2007, the City entered into an Agreement for Professional Services, with Halff Associates Inc. as a Consultant to perform professional services for a project known as the “City of El Paso Annexation Assessment and Strategy”; and,

WHEREAS, it was the intent of the City and the Consultant to include as part of the Scope of Services that the Consultant would determine the maximum fee per service unit under the provisions of Section 395.015 of the Local Government Code; and,

WHEREAS, now both parties wish to make the Scope of Services clearer so that the maximum fee will be determined by the Consultant and that the determination will be provided to the City,

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

That the City Manager be authorized to sign an amendment to the Professional Services Agreement between the City of El Paso and Halff Associates Inc. for a project known as City of El Paso Annexation Assessment and Strategy to clarify that the Consultant will determine the maximum fee per service unit under the provisions of Section 395.015 of the Local Government Code.

Mayor Cook and Representatives Castro and Byrd commented.

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

Mr. Ray Gilbert, citizen, commented.

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4E1.

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

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 31st day of January, 2007, after due notice and hearing, ordered Andrea Rodriguez, record Owner of the hereinafter described property that the Building(s) be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Building(s) and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development 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 securing the Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 11 and 12, Block 85, Morningside Heights Subdivision, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3511 Polk Avenue, El Paso, Texas,

to be \$1,734.20, performed by the Street Department of the City of El Paso, and \$1,206.70, performed by the City Attorney’s Office and the City Clerk’s Office, making a total of \$2,940.90. The City Council finds that the work was completed on the 19th day of April, 2007, 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 TWO THOUSAND NINE HUNDRED FORTY AND 90/100 DOLLARS (\$2,940.90) 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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4E2.

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

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 27th day of September, 2006, after due notice and hearing, ordered Shirley J. Cutright, record Owner of the hereinafter described property that the Building(s) be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Building(s) and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development 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 securing the Building(s) and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 7 and 8 and South 5 Feet of Lot 9, Block 12, Del Norte Acres Subdivision, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Book 8, Page 54, Plat Records, El Paso County, Texas, municipally known and numbered as 8925 Roberts, El Paso, Texas,

to be \$6,500.71, performed by the Street Department of the City of El Paso, and \$982.61, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$7,483.32. The City Council finds that the work was completed on the 10th day of April, 2007, 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 SEVEN THOUSAND FOUR HUNDRED EIGHTY-THREE AND 32/100 DOLLARS (\$7,483.32) 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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4F.

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Carl Daniel Architects, a Texas Corporation, to perform consulting services for a project known as "Civic Center Plaza Improvements-Design and Construction Phase" in an amount not to exceed \$381,234.

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

Ms. Irene Ramirez, Assistant City Engineer, commented.

Mr. Carl Daniel, Carl Daniel Architects, commented.

Mr. Richard Schechter and Mr. Ray Gilbert, citizens, commented.

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4G.

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Parkhill Smith and Cooper, Inc. a Texas Corporation, to perform consulting services for a project known "Clint and McCombs Landfills Groundwater Monitoring System" in an amount not to exceed \$76,969.

Representative Castro commented.

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

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4H.

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

WHEREAS, the establishment and use of a City Flag will instill pride and spirit within the City; and

WHEREAS, a City Flag serves an important governmental function and expenditures relating to the creation, acquisition, and use of a City Flag relates to the City's municipal purposes.

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

SECTION 1: That the City Council of the City of El Paso, Texas officially adopts the City Flag, as described in Attachment A, and depicted in part in Attachment B, attached to this Resolution and incorporated herein.

SECTION 2: That the Mayor, City Representatives, and the City Manager and her designees are authorized to use the City Flag, and the emblem depicted on the Flag, in conjunction with official City purposes and events, and the City Manager may issue policies and directives to City staff regarding the flying of and care of the City Flag and other appropriate uses of the emblem.

SECTION 3. That members of the public who obtain authorized replicas of the City Flag, may fly the Flag within the City, and when flying the City Flag, they shall conform to the general customs for flying the United States Flag and comply with all rules and procedures for flying city Flags as set forth in Title 4, Chapter 1 of the United States Code (the "Flag Code.")

SECTION 4. That the Mayor be authorized to order that the flying of the City Flag be at half-staff for such similar types of purposes and reasons for which the President of the United States is authorized to issues such orders pertaining to the United States Flag. Such orders, when issued, shall be posted on the City's web site. Such orders of the Mayor shall not be applicable to the Flags of the United States and the State of Texas.

SECTION 5. That the City Manager be authorized to take all action necessary to secure and enforce the City's copyright interests and other legal rights and interests in the design of the City Flag.

SECTION 6. That the City Manager be authorized to procure City Flags of appropriate quality and in appropriate sizes as are desired, to sell such Flags to the public, and to make all necessary purchases and budget transfers in conjunction with this authorization.

SECTION 7. That any prior City Flag adopted or used by the City may continue to be displayed for historical purposes, but that such Flags shall not be considered as the official City Flag.

SECTION 8. That the adoption of the City Flag by and through this Resolution shall be effective upon the acquisition of all rights and interests in the design of the Flag by the City Manager, and all such documents relating to the acquisition of such rights and interests by the City shall be filed with the City Clerk.

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4I.

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

WHEREAS, the City of El Paso (the "City") has previously established the City of El Paso Health Facilities Development Corporation (the "Corporation") as a non-profit corporation duly organized and existing under the laws of the State of Texas, including Chapter 221 of the Texas Health and Safety Code;

WHEREAS, the Corporation's Bylaws provide that the City Council appoint six members to serve on the Board of Directors of the Corporation and the terms of the prior appointees have expired;

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

The following persons are appointed to the Corporation's Board of Directors: Susie Byrd, Steve Ortega, Beto O'Rourke, Rick Suarez, Tedd Richardson, and Andrea (Mandy) Chew.

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4J.

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

That the Mayor be authorized to sign the Interlocal Agreement between the County and the City of El Paso for the County to submit a grant application to the U.S Department of Justice for a four-year grant in the amount of \$366,087.00, for the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG). The City portion will be used to continue efforts in reducing crime through the implementation of an Upfront Identification System, which will serve as a major investigative tool. It will ensure that all arrestees with prior arrests by the El Paso Police Department are identified at the beginning of the arrest process. The system collects fingerprint images for use in identity verification and these prints run against records in the Automated Fingerprint Identification System (AFIS) to provide a quick identification of a person in question; that the City Manager or her designee be authorized to sign any related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit any necessary revisions to the operational plan. Grant is a joint venture between City and County, with a 50%-50% allocation of funds, City portion being \$183,044.00. No cash match is required.

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4K. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week a resolution that five members of the Ethics Review Commission be designated to serve on the Ethics Ordinance Review Ad Hoc Committee, on an ad hoc advisory basis with the members of the Rules Legislative Review Committee, to review and make recommendations to the City Council on potential revisions to the City's Ethics Ordinance, and those members are designated as follows:

- Andre Ewing
- Gerald Mangrum
- Jesus Padilla
- Isela Pena
- George Reynoso

Representatives O'Rourke and Quintana commented.

Mr. Richard Schecter, citizen, commented.

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5. BOARD RE-APPOINTMENT

*Motion made, seconded, and carried to **RE-APPOINT** Ivan Ramirez to the Committee on Border Relations by Representative Eddie Holguin, Jr., District 6.

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6. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINTMENT** of Angelina Velarde-White to the City Plan Commission by Representative Ann Morgan Lilly, District 1.

Mayor Cook and Representatives Lilly and Ortega commented.

Mr. Richard Schecter, citizen, commented.

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7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the current Contract 2005-244 (Storm Drain Grates) with Lone Star Welding for one additional year, pursuant to the provisions to an award approved by City Council on August 23, 2005. Contract period October 1, 2007, through September 30, 2008.

Department: Street
Option: One [of one]
Account No.: 32010160 – 01101 - 502215
Funding Source: Operating Account, Outside Contractors-NOC
Total Estimated Award: \$29,003

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8A. – 8H. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Byrd, 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 Ordinance No. 16086 to revise the deadlines for placing matters on the Agenda for City Council Meetings.
- B. An Ordinance amending sections of Title 9 (Health and Safety), Chapter 9.12 (Food and Food Handling Establishments). To eliminate the reinspection fee for food operations; the penalty being as provided in Section 9.12.890 of The El Paso City Code.
- C. An Ordinance amending Title 2 (Administration and Personnel) by deleting Chapter 2.96, City Employees' Health Benefit Program Advisory Board, of the El Paso City Code in its entirety.

PUBLIC HEARING WILL BE HELD ON JULY 10, 2007, FOR ITEMS 8A – 8C

- D. An Ordinance changing the zoning of a portion of Lot 1, Block 5, and a portion of Lot 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) District to R-3/C (Residential/Condition) District, and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Schwabe Street and North of Cooley Avenue. Applicant: Michael Truax and Ruby Truax. ZON07-00042
- E. An Ordinance changing the zoning of Lots 27 to 29, Block 22, Cotton Addition, City of El Paso, El Paso County, Texas from R-4 (Residential) District to C-3 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 2108 Grant Avenue. Applicant: Alfonso and Laura Villagrana, ZON07-00021
- F. An Ordinance changing the zoning of the South 10 feet of Lot 17, and all of Lots 18, 19, and 20, Block 59, Alexander Addition, an addition to the City of El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- G. An Ordinance changing the zoning of the following real property described as: Parcel 1: A portion of Tract 6 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, from M-1/C (Light Manufacturing/conditions) to C-3/C (Commercial/conditions);and Parcel 2: A Portion of Tract 10 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of South Desert Boulevard, South of Montoya Drive. Applicant: Prime Desert Properties, LLC, ZON07-00029
- H. An Ordinance releasing a condition placed on property by Ordinance No. 014543 which changed the zoning of a portion of Tract 6 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, and which imposed certain conditions and amending a condition placed on the property by Ordinance No. 014543. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of South Desert Boulevard, South of Montoya Drive. Applicant: Prime Desert Properties, LLC, ZON07-00030

PUBLIC HEARING WILL BE HELD ON JULY 17, 2007, FOR ITEMS 8D – 8H

9A.

ORDINANCE 16675

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1B4, 3, AND 8, O. A. DANIELSON SURVEY #315, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

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

Mr. Conrad Conde, representing the applicant, commented.

Motion duly made by Representative Holguin, 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, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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9B.

ORDINANCE 16676

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 1, A & M ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) AND R-F (RANCH-FARM) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Ortega, Holguin, Byrd, and Castro commented.

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

Mr. Conrad Conde, representing the applicant, commented.

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

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

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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9C.

ORDINANCE 16677

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 46, SUN RIDGE UNIT 12, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM**

A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

Representatives Ortega and Holguin commented.

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

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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

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10. PUBLIC HEARING – COMMUNITY AND HUMAN DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **CLOSE** the Public Hearing on program performance and on the Proposed Annual Action Plan 2007-2008 of the Consolidated Plan for 2005-2010 and adoption of a Final Action Plan for 2007-2008, including the 33rd Year (2007-2008) Community Development Block Grant Program, FY 2007 Emergency Shelter Grant Program, and FY 2007 HOME Investment Partnerships Program Budgets.

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

The following members of the public commented:

1. Ms. Billie Brown, Vice Chair of the Steering Committee
2. Ms. Susan Austin, Executive Director for the El Paso Coalition for the Homeless
3. Mr. Luis Enrique Chew, Director for Volar, Center for Independent Living

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11A.

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 2007-2008 of the Consolidated Plan for 2005-2010 hereby adopts a Final Action Plan for 2007-2008, attached hereto as Exhibit "A", including the 33rd Year (2007-2008) Community Development Block Grant Program, FY 2007 Emergency Shelter Grant Program and FY 2007 HOME Investment Partnerships Program Budgets, all attached hereto as Exhibit "B".

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

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11B.

RESOLUTION

That the City Manager be authorized to sign and submit to the Department of Housing and Urban Development (HUD) the Annual Action Plan 2007-2008 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; and

That the City Manager be authorized to sign 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; and

That the City Manager be authorized to sign standard Public Service Grants, Economic Development Grants, Housing and Housing Services Grants, Emergency Shelter Grants, Planning Grants and Public Facility Project Contracts and documents with the agencies approved for funding in the Annual Action Plan 2007-2008 related to the implementation and performance of the activities contained in the Annual Action Plan 2007-2008 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; 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 and the Annual Action Plan 2007-2008; 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, providing that no additional City funds are required.

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

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12A. MAYOR AND COUNCIL

Discussion and action to file a complaint with the Federal Communications Commission against T-Mobile for their failure to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties in the installation of a cell tower located at 2219 Piedras Street.

Representative Byrd commented.

Ms. Julie Rutledge, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the City **ACCEPT** in principal and subject to final written agreement the offer for the resolution of the issues surrounding the installation of the personal wireless service facility (cell tower) at 2219 Piedras Street as set forth in the June 25, 2007, memorandum from Frank Ainsa; that the City Manager and the City Attorney be authorized to negotiate and execute appropriate legal documents to constitute the final written agreement regarding the resolution of this matter; and that the resolution of the City Council dated June 5, 2007, authorizing the Mayor to file a complaint with the Federal Communications Commission (FCC) is rescinded.

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12B. MAYOR AND COUNCIL

Discussion and action regarding support and funding of the El Paso City-County Health and Environmental District by the City and the County and status of the Cooperative Agreement and negotiations with the County.

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

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

Mr. Robert Galvan, Interim City County Health Director, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **DIRECT** staff to begin the process outlined by City Manager Joyce Wilson to incorporate the Health District operations as a City department and to give six months notice to the County of El Paso of the City's intent to dissolve the City-County Health District.

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Motion made by Representative O'Rourke, seconded by Representative Holguin, and unanimously carried to **RECESS** the City Council Meeting at 12:31 p.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **RECONVENE** the City Council Meeting at 12:48 p.m.

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12C. MAYOR AND COUNCIL

*Motion made, seconded and unanimously carried to **POSTPONE** one week discussion and action regarding the appointment of the following individuals to the Board of Directors of Tax Increment Reinvestment Zone Number 5:

1. Jesse Alvarez
2. Mark Bernat
3. David P. Buchmueller
4. Pauline Ann Dow
5. Bonnie S.Y. Escobar
6. Rebecca Friesenhahn
7. Hector Gutierrez, Jr.
8. Frank Rene Lopez
9. Keith A. Mahar

10. George Reynoso

Representatives Quintana and Lozano commented.

Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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12D. MAYOR AND COUNCIL

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Holguin, and unanimously carried to **DELETE** the item on discussion and action regarding an amendment to the El Paso City-County Board of Health to amend the number of members from the recently approved seven members to nine members adding one additional member from the Food Industry and one at-large member.

NOT PRESENT FOR THE VOTE: Representatives Lilly, Ortega, and O'Rourke

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13. FINANCIAL SERVICES: BEST VALUE PROCUREMENT

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-153 (Security Guard Services For Park Facilities-Rebid) to AlliedBarton Security Services for a total estimated award of \$763,605.

Department: Parks and Recreation
Award to: AlliedBarton Security Services
El Paso, TX
Items: All
Option: Two additional years
Annual Estimated Amount: \$254,535
Account No.: 51010214 – 502212 - 01101
51010279 – 502212 - P500201 - 16301
Funding Source: Parks Administration General Fund
Shelters/Administration User Fees
Total Estimated Award: \$763,605

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award to the bidder offering the best value bid.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Ortega

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14. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

NO ACTION was taken on this item.

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ADDITION TO THE AGENDA

1. Discussion and action on the Paso Del Norte Bridge's renovation.

Mayor Cook and Representatives O'Rourke and Lozano commented.

Mr. Daryl Cole, Streets Department Director, commented.

Mr. Mike Breitinger, Executive Director of El Paso Central Business Associates, commented.

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Breitinger to address the Council after the sign-up period.

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

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Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 1:26 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk