

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
JULY 10, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alejandro Lozano, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:42 a.m. during Executive Session deliberations. Early departures: Beto O'Rourke at 2:48 p.m. and Jose Alejandro Lozano at 3:29 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. TOM LEA MONTH
2. UPPER RIO GRANDE WORKFORCE DEVELOPMENT MONTH
3. PHO FAMILY REUNION DAY

RECOGNITION

**STAR ON THE MOUNTAIN AWARD TO
MAYOR OF JUAREZ, MEXICO, MAYOR HECTOR MURGUIA**

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. Ramnath Subramanian
2. Mr. Jerry Rosenbaum
3. Ms. Lisa Turner
4. Mr. Steven Strumer

- 5. Mr. Carroll Carter
- 6. Ms. J. Elena Navarro
- 7. Mr. Scott Cutler
- 8. Ms. Judy Ackerman

Mayor Cook and Representatives Castro and Byrd commented.

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

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 Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:38 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representative Lilly

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **ADJOURN** the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)

Motion made by Mayor Pro Tempore Lozano, seconded Representative Byrd, and unanimously carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Rafael Gardon vs. City of El Paso; Cause No. 2003-493.

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EX2. Claim of McCormick Architecture/Ruby Coates Park, Our File No. 06-C-276/ENG. (551.071)

Motion made by Mayor Pro Tempore Lozano, seconded Representative Ortega, and unanimously carried that the City Attorney's Office be authorized settlement authority, to negotiate settlement agreement, and sign all documents to **RESOLVE** the claim of McCormick Architecture/Ruby Coates Park No. 06-C-276/ENG.

Ms. Marilyn Del Rio, employee of McCormick Architecture, commented.

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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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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 26, 2007.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, the City of El Paso, through the El Paso Zoo, was a sponsor of the Military, Fire and Law Enforcement Appreciation Day at the El Paso Zoo on July 7, 2007, which included the landing and display of a helicopter by the United States Department of Homeland Security, Customs and Border Protection;

WHEREAS, Section 14.12.080 of the El Paso City Code prohibits the landing of any aircraft outside of an airport, with the exception that the City Council of the City of El Paso may grant a waiver to such prohibition by Resolution of the City Council; and

WHEREAS, the request for the landing and display of the helicopter from the U.S. Customs and Border Protection was received by the City without enough time to process and place on a City Council agenda for approval in advance of the meeting;

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

THAT the actions of the Mayor and City Manager in authorizing the Department of Homeland Security Customs and Border Protection to land and display a helicopter at the El Paso Zoo in connection with the Military, Fire and Law Enforcement Appreciation Day of July 7, 2007 constituted an important public purpose to the City and such actions are hereby ratified as a waiver to Section 14.12.080 of the El Paso City Code.

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3B.

***RESOLUTION**

That the El Paso City Council hereby renames the entire length of the street currently known as Export Place, which begins East of Interstate 10 and North of Helen of Troy Drive, and authorizes the City Manager to take the necessary steps to change the name from Export Place to New Harvest Place. This is located within the City of El Paso, El Paso County, Texas.

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3C.

***RESOLUTION**

WHEREAS, the Developer is developing Sun Ridge Unit 15, in the City of El Paso, El Paso County, Texas, hereinafter referred to as the "Sun Ridge Unit 15" and will have a retention pond on Lot 33, Block 49 (the Unit 15 Pond); and

WHEREAS, Sun Ridge Unit 9 is located immediately east of Sun Ridge Unit 15 and contains a pond on Lot 7, Block 45, Sun Ridge Unit 9 (the Unit 9 Pond) and is immediately adjacent to the Unit 15 Pond, as more fully shown on the Plat of Sun Ridge Unit 15 attached hereto as Exhibit A; and

WHEREAS, the Developer intends to construct the Unit 15 Pond so that it will be a part of and adjoin the Unit 9 Pond, and to combine both ponds into a single large pond; and

WHEREAS, the Developer has requested permission to enter upon the Unit 9 Pond for the purpose of completing the construction of the Unit 15 Pond and joining both the Unit 9 Pond and the Unit 15 Pond into a single large pond; and

WHEREAS, the City agrees that in consideration for use and entry of the pond, the improvements will further the drainage in the area and is in the best interest of the City.

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

That the City Manager be authorized to sign an Agreement by and between the City of El Paso and JNC Development, Inc, to allow JNC Development, Inc. access to a City ponding area on Lot 7, Block 45, Sun Ridge Unit 9, El Paso, El Paso, County, Texas to construct ponding area improvements. There is no cost to the City.

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3D.

***RESOLUTION**

WHEREAS, the City of El Paso awarded Contract No. 2007-134 (Forensic Laser System, Portable) to Newport Corporation on May 1, 2007; and

WHEREAS, the City Council finds that the award is a void action due to a legal defect of the specifications, and further, that the product did not meet those specifications.

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

That the award of Contract No. 2007-134 (Forensic Laser System, Portable) to Newport Corporation is rescinded, and the bid solicitation and the prior award made on May 1, 2007 are declared null and void.

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3E.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Secure Our Schools 2007, School Emergency Preparedness Program be operated for the September 1, 2007 to August 31, 2008 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the U.S. Department of Justice COPS Office grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the U.S. Department of Justice COPS Office funds, the El Paso City Council assures that the funds will be returned to the U.S. Department of Justice COPS Office in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson or her designee as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the School Emergency Preparedness Program to the U.S. Department of Justice COPS Office.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$117,597.14, from the City of El Paso Police Department to the U.S. Department of Justice COPS Office, for the purpose of continuing the efforts of the Police Department's School Emergency Preparedness Program.
3. The City of El Paso agrees to provide cash matching funds in the amount of \$117,597.14.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. That the City Manager be authorized to request and accept an extension of the award ending date for the grant.
6. That grant officials be as designated in the agreement.

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3F.

***RESOLUTION**

WHEREAS, on May 29, 2007, the City Council approved a resolution designating up to four members of the Ethics Review Commission to serve on an ad hoc advisory basis with the members of the Rules Legislative Review Committee to review and make recommendations on potential revisions to the City's Ethics Ordinance; and

WHEREAS, such committee has been identified as the Ethics Ordinance Review Ad Hoc Committee; and

WHEREAS, the Council desires to increase the number of Ethics Review Commission members to five and to designate those members.

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

That five members of the Ethics Revision 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

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3G.

RESOLUTION

WHEREAS, the El Paso Texas Stake of the Church of Jesus Christ of Latter-Day Saints has requested permission to donate the painting services of its youth component on July 13, 2007, to beautify the concrete spillway of the Carolina retention dam, and protect the property from vandalism and graffiti; and,

WHEREAS, the City of El Paso desires to encourage community involvement and volunteerism to help keep El Paso free of graffiti and to improve the quality of life and health and safety of its citizens;

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

THAT the City Manager is hereby authorized to sign, on behalf of the City, a Donation Agreement between the City of El Paso and the El Paso Texas Stake of the Church of Jesus Christ of Latter-Day Saints, to allow the Church's youth organization enter onto certain City property on July 13, 2007, for the purpose of the supervised painting of certain scenes on the property so as to preserve and protect the property from vandalism. The mural will be painted on the concrete spillway of the Carolina retention dam along Carolina Street.

Representatives Byrd and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution, as revised to include different hats and cacti vegetation.

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4A. BOARD RE-APPOINTMENT

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

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and carried to **RE-APPOINT** Judge William Moody to the History Museum Board by Mayor John Cook.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Albert Armendariz, Jr. to the Civil Service Commission by Representative Eddie Holguin, Jr., District 6.

5B. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Alan A. Hodson to the Information Technology Advisory Board by Mayor John Cook.

5C. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Yolanda J. Barbe to the City-County Animal Shelter Advisory Committee by Representative Susie Byrd, District 2.

5D. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Lucinda Vargas to the Art Museum Advisory Board to fill an unexpired term by Representative Beto O'Rourke, District 8.

5E. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** James H. Tolbert to the Building and Standards Commission by Representative Susie Byrd, District 2.

5F. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** James Ratcliff, serving as alternate, to the Building and Standards Commission by Representative Melina Castro, District 4.

5G. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Analisa Cordova to the International Bridge Commission, to fill an unexpired term, by Representative Susie Byrd, District 2.

5H.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, Presi Ortega, Jr., who has heretofore been appointed is being removed from the Board of Directors, and

WHEREAS, the City Council desires to appoint a new director to the Board of Directors to fill his term.

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

That Elizabeth Moya Quinn is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the remaining term of Presi Ortega, Jr., who is hereby removed.

***RESOLUTION**

WHEREAS, the Housing Finance Corporation Act, Chapter 394 Local Government Code authorizes the creation of a Housing Finance Corporation, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Housing Finance Corporations Act, which incorporation took place in 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, J. Alexandro Lozano, who has heretofore been appointed is being removed from the Board of Directors, and

WHEREAS, the City Council desires to appoint a new director to the Board of Directors to fill his term.

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

That Robert Warach is appointed to the Board of Directors of the El Paso Housing Finance Corporation to fill the remaining term of J. Alexandro Lozano, who is hereby removed.

6. APPLICATIONS FOR TAX REFUND

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

- A. First American R.E. Tax Service in the amount of \$3,424.13 overpayment of 2006 taxes. (PID #B365-999-0010-1000).
- B. First American R.E. Tax Service in the amount of \$6,151.65 overpayment of 2006 taxes. (PID #B742-999-0020-0400).
- C. Chase Home Finance LLC in the amount of \$12,738.46 overpayment of 2005 & 2006 taxes. (PID #C340-999-0170-1700).
- D. FIS (Select Portfolio) in the amount of \$3,648.29 overpayment of 2006 taxes. (PID #E222-999-1340-5600).
- E. Aurora Loan Services in the amount of \$4,845.20 overpayment of 2006 taxes. (PID #L711-999-0040-1700).
- F. CitiMortgage, Inc. in the amount of \$3,337.17 overpayment of 2006 taxes. (PID #P481-999-0270-3500).

- G. Everhome Mortgage in the amount of \$2,662.45 overpayment of 2006 taxes. (PID #R330-999-0150-9450).
- H. First American R.E. Tax Service in the amount of \$3,564.31 overpayment of 2006 taxes. (PID #S814-999-0010-1000).
- I. First American R.E. Tax Service in the amount of \$4,657.11 overpayment of 2006 taxes. (PID #V893-999-0760-3100).
- J. First American R.E. Tax Service in the amount of \$5,825.18 overpayment of 2006 taxes. (PID #V897-999-0410-5400).
- K. Pay and Save, Inc. in the amount of \$45,605.46 overpayment of 2006 taxes. (PID #X012-999-000A-6200).

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7A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to issue Purchase Order(s) to Road Machinery, El Paso, Texas, as they are the sole authorized dealer in the El Paso, Texas, area of repair parts, materials, and services of Komatsu Parts & Services. This is a sole-source procurement as defined under Chapter 252.022 of the Local Government Code.

Department: General Services – Fleet Division
 Annual Estimated Amount: \$50,000
 Account No.: 37370510 – 503125 - 45202
 Funding Source: General Services Department - Fleet Services Internal Fund
 Sole Source No.: 2007-213

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7B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services to issue Purchase Order(s) to Clark Truck & Equipment as they are the sole authorized agent in the El Paso, Texas, area of repair parts and materials of American Hawk Grapple Cranes, manufactured by Automated Waste Equipment Company, Trenton, NJ. This is a sole-source procurement as defined under Chapter 252.022 of the Local Government Code.

Department: General Services -Fleet Division
 Annual Estimated Amount: \$25,000
 Account No.: 37370510 – 503121 - 45202
 Funding Source: General Services Department - Fleet Services Internal Fund
 Sole Source No.: 2007-214

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7C. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager of Financial Services, Purchasing Division, be authorized to exercise the City's option to extend the current Contract 2004-193R Supplemental Life Insurance (Life, Dental, Vision & Disability) for one additional year pursuant to the provisions to an award approved by City Council on September 7, 2004. Contract period: September 1, 2007 through August 31, 2008.

Department: Office of Management & Budget/Insurance & Benefits
 Award to: Block Vision
 United Concordia-Dental
 Safeguard Health Plans, Inc.-Dental
 ING Employee Benefits-Life
 UNUM Provident-Disability Coverage
 Option: One (of two)
 Account No.: Employee Supported
 Funding Source: N/A

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8A. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-171 (Proprietary Parts & Service-Dodge/Chrysler Motor Company) to Driveway Dodge, Chrysler, Jeep for a total estimated award of \$120,000.

Department: General Services-Fleet Division
 Award to: Driveway Dodge, Chrysler, Jeep
 El Paso, Texas
 Items: A and B
 Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two additional years if the option is exercised within three years from the date of the award.
 Annual Estimated Amount: \$40,000
 Account No.: 37370510 – 503121 - 45202
 Funding Source: Fleet Services Internal Service Fund
 Total Estimated Award: \$120,000

This is a requirements type contract with an initial term of thirty six months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

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8B. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-178 (Waterous Proprietary Parts) to Spartan Motors Chassis, Inc. for a total estimated award of \$90,000.

Department: Fire
 Award to: Spartan Motors Chassis, Inc.
 Mesquite, Texas
 Item: 1
 Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for one additional year if the option is exercised within two years from the date of the award.
 Annual Estimated Amount: \$30,000
 Account No.: 22010320 – 503118 - 01101
 Funding Source: Fire Department General Operating Funds
 Total Estimated Award: \$90,000

Mayor Cook and Representatives Castro, Byrd, Lozano, Quintana, and Holguin commented.

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

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9B. – 9T. INTRODUCTIONS

Motion made by Representative Holguin, 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:

- B.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code, Chapters 19.08 (Platting Procedures), 19.28 (Construction and Guarantees) and 19.32 (Inspection and Acceptance of Improvements), by clarifying the requirements for subdivision improvement plan submission, approval and phasing; inspections of subdivision improvements; and replacing all references to the Deputy Director of Building Services. The penalty being as provided in Section 19.04.190 of the Code.
- C.** An Ordinance granting a Special Privilege to the El Paso Festival Association to temporarily close portions of Texas Avenue, Florence Street, Ochoa Street, Virginia Street, St. Vrain Street, Ange Street, and Octavia Street from August 17, 2007, through August 20, 2007, for a "Custom Car and Chopper Street Festival".
- D.** An Ordinance granting a special privilege to Enriquez & Enriquez, Ltd to temporarily close a portion of Roswell Road for a "30th Anniversary Celebration" to be held on Saturday, August 4, 2007.
- E.** An Ordinance annexing a portion of Montana Avenue and a portion of Sections 28, 33 and 34, Block 79 Township 2, Texas and Pacific Railway Company Surveys into the City of El Paso, Texas.
- F.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets), of the El Paso City Code to add a new location of Sunglow Avenue from 100 feet east of Avalon Drive to a point 300 feet west thereof.
- G.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "F" (Thirty-Five Miles per Hour), of the El Paso City Code to add Sean Haggerty Drive. The penalty is as provided in section 12.84.010 of the El Paso City Code.
- H.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), Subsection "F" (Thirty-Five Miles per Hour), of the El Paso City Code to amend the thirty-five miles per hour speed limit on High Ridge Drive. The penalty is as provided in Section 12.84.010 of the El Paso City Code.
- I.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), and Section 12.88.180 (No Stopping or Standing – Tow-Away Zone), of the El Paso City Code, to add an area on Common Drive. The penalty being as provided in Section 12.88.180F (Violation - Penalty) of the El Paso City Code.

- J. An Ordinance authorizing the City of El Paso to sell 0.459 acres of land, more or less, being a portion of Portion of Block 38, Clardy-Fox Subdivision, Unit 5, El Paso, El Paso County, Texas, commonly known as 200 Lisbon Street, to Jorge Valenzuela.
- K. An Ordinance authorizing the City of El Paso to sell 1.734 Acres of land, more or less, being a portion of Tract 4A-31A, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, commonly known as 8929 Viscount Boulevard to Harmon Custom Homes, LLC.

PUBLIC HEARING WILL BE HELD ON JULY 17, 2007, FOR ITEMS 9B – 9K

- L. An Ordinance changing the zoning of Lot 3, and the west 11 ½ feet of Lot 2, and the east 2 feet of Lot 4, Block 89, Bassett Addition, 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.
- M. An Ordinance changing the zoning of a portion of Tract 6, Bootheville Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm), C-1 (Commercial), and C-1/C (Commercial/Condition) to C-2/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- N. An Ordinance changing the zoning of a portion of Lot 9, Block 4, Hueco View Acres, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/ Special Contract) District to C-3/SC/C (Commercial/Special Contract/Conditions) District and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- O. An Ordinance changing the zoning of Tracts 1L1 & 1L2, Block 10, Upper Valley Surveys, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-2 (Residential/Condition) District and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- P. An Ordinance changing the zoning of Tract 10C, Block 6, Ysleta Grant, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-4 (Residential) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- Q. An Ordinance changing the zoning of portions of Tracts 51 & 52, Cineque Park Subdivision, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-5 (Residential) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- R. An Ordinance changing the zoning of Tract 1H and 1H1, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) District to P-R L/C (Planned Residential/Condition) District, and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- S. An Ordinance changing the zoning of a portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) District to Q/C (Quarry/Condition) District and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- T. An Ordinance changing the zoning of a portion of Tract 6A, 6A1, 6B, and 6B2, Section 33, Tracts 2 and 3, and a portion of Tract 1, Section 28, and Tract 11-C, and a portion of Tract 11-C-1, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) District to C-4 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 31, 2007, FOR ITEMS 9L – 9T

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10A.

ORDINANCE 16678

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 10A, 10B, AND 10C, BLOCK 14, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

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

Motion duly made by Representative Ortega, seconded by Representative Holguin, 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, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

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

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10B. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **POSTPONE** two weeks an Ordinance changing the zoning of the South 60 feet of Tract 187, Sunrise Acres, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Representatives Byrd and Lozano commented.

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

Ms. Teresa Nunez, applicant, commented.

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11. PUBLIC HEARING – MAYOR AND COUNCIL

An Ordinance amending Ordinance No. 16086 to revise the deadlines for placing matters on the Agenda for City Council Meetings.

Mayor Cook and Representatives Lozano, Holguin, Lilly, Ortega, Quintana, and Castro commented.

City Manager Joyce Wilson and Municipal Clerk Richarda Duffy Momsen commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Lozano and seconded by Representative Byrd to approve the Ordinance. **THE MOTION FAILED.**

AYES: Representatives Byrd and Lozano

NAYS: Representatives Lilly, Castro, Quintana, Holguin, Ortega, and O'Rourke

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12.

ORDINANCE 16679

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

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

Dr. Robert Galvan, Interim Director of the City-County Health District, commented.

Ms. Lisa Turner, citizen, commented.

Motion duly made by Mayor Pro Tempore Lozano, seconded by Representative Lilly, 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: Mayor Cook and Representatives Lilly, Lozano, Castro, and Holguin

NAYS: Representatives Byrd, Quintana, Ortega, and O'Rourke

Mayor Cook broke the tie, voting aye.

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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13.

ORDINANCE 16680

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

Motion duly made by Representative Byrd, seconded by Representative Lilly, 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, 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, AS REVISED**.

.....
14A. MAYOR AND COUNCIL

Discussion and action to instruct the City Manager to immediately, in an effort to preserve the health, safety, and welfare of residents of Northeast El Paso and others who may utilize city roadways in Northeast El Paso, take whatever remedial steps are required to return the traffic flows on Rushing Street to the normal operational capacity consistent with their original design. Recent changes to this street have placed the public at risk by altering the traffic flows in a manner that is inconsistent with the vehicular traffic demands and such changes must be removed in a timely, safe, and efficient manner.

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

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Larry Wilder, citizen, commented.

1ST MOTION

Motion made by Representative Castro, seconded by Representative Holguin, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Wilder an additional five minutes to address the Council.

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

NAYS: Representative Ortega

NOT PRESENT FOR THE VOTE: Representative Lozano

2ND AND FINAL MOTION

Motion made by Representative Castro and seconded by Representative Holguin to eliminate the bike lanes on Rushing Street. **THE MOTION FAILED.**

AYES: Representatives Castro and Holguin

NAYS: Representatives Lilly, Byrd, Quintana, Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Lozano

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14B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on installing a speed hump and/or other traffic control device on Rose Lane as requested from neighbors and supported by Representative Jose Alexandro Lozano.

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14C. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPROVE** 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

AYES: Representatives Lilly, Byrd, Lozano, and Ortega
 NAYS: Representatives Castro, Quintana, and Holguin
 NOT PRESENT FOR THE VOTE: Representative O'Rourke

Ms. Lisa Turner, citizen, commented.

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14D. MAYOR AND COUNCIL

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **APPROVE** the establishment of the Friends of the River Park Trail.

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14E. MAYOR AND COUNCIL

Motion made by Representative Castro, seconded by Representative O'Rourke, and unanimously carried to **DELETE** the item to disband the Transportation Legislative Review Committee due to lack of quorums.

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14F.

RESOLUTION

WHEREAS, Arthur Nuñez has created a multi-media craft piece entitled "Smelertown" and desires to provide the piece to the City of El Paso for the City's use, including but not limited to the developing and display of photographs and other images of the Work; and

WHEREAS, the City desires to accept the piece entitled "Smelertown" and potentially create photographic images as well as develop other uses for the piece and its images subject to the assignment to the City of all rights to the piece entitled "Smelertown" by Mr. Nuñez;

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

THAT the City Manager be authorized to accept and execute the Assignment by Arthur Nuñez of all rights to his multi-media craft piece entitled "Smelertown" and to sign any related documentation to effectuate such assignment of rights.

Mayor Cook commented.

Mr. Arthur Nuñez, artist, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **APPROVE** the Resolution and display the artwork at City Council meetings.

NOT PRESENT FOR THE VOTE: Representative Castro

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14G. MAYOR AND COUNCIL

Discussion and action on broadcasting and/or video-streaming all Regular and Special City Council meetings and all Legislative Review Committee meetings.

Representatives Ortega, Holguin, and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Juliet Lozano, Communications and Public Affairs Manager
- 3. Mr. Gerald Gordier, Chief Information Officer and Information Technology Director

NO ACTION was taken on the item.

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ITEMS TAKEN TOGETHER:

14H. MAYOR AND COUNCIL

Discussion and action on an ordinance to cap the property tax on residential property at 5%, lowered from the current statutory cap of 10%.

14I. MAYOR AND COUNCIL

Discussion and action on requiring the City Manager to provide alternate sources of revenue to City Council in order to supplement revenue from proposed tax caps and tax cuts by District 5 Representative Rachel Quintana. Sources of alternate revenue should include Payments in Lieu of Taxes (PILOTs) from all of the City's chartered entities (El Paso Municipal Airport, El Paso Water Utilities, Housing Authority of the City of El Paso, etc.) and any other governmental entities that the City has jurisdiction over.

14J. MAYOR AND COUNCIL

Discussion and action on raising the bridge fees on the International Bridges in order to supplement the costs of tax caps and tax cuts being proposed by District 5 Representative Rachel Quintana.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Bill Studer, Deputy City Manager of Financial and Administrative Services

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **DELETE** the items.

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15A. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **DELETE** the item to direct that the City Manager modify Title 9 (Health & Safety), Chapter 9.10 (Mulberry Trees), by revising the regulations to remove the prohibition on the planting of mulberry trees as submitted by the Planning and Development Services Legislative Review Committee.

Representatives Holguin and Lozano commented.

The following members of the public commented:

1. Mr. Dick Bowen
2. Ms. Lisa Turner
3. Mr. Walter Goon

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15B. DEVELOPMENT AND INFRASTRUCTURE SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week (1) discussion and action on a Resolution adopting a fee for Expedited Plan Review for submission and review of Subdivision Improvement Plans required by Title 19 (Subdivisions) of the El Paso City Code and administered by the Development Services Department.

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16.

RESOLUTION

That the City exercises the option to extend the existing one year Professional Services Agreement for a project known as "Traffic Engineering Consulting Services" on an as needed basis by and between the City of El Paso and Martinez Engineering Group, Inc., for one additional one year period.

Representatives Byrd and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Reyes, Engineering Division Manager
3. Ms. Irene Ramirez, Assistant City Engineer

Mr. Rafael Martinez, Martinez Engineering Group, commented.

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

17A. FINANCIAL AND ADMINISTRATIVE SERVICES

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-165 (2007 Roof Repairs and Replacement Project) to Matyear Construction Co., Inc. for a total estimated amount of \$502,958.60.

Department: General Services
Award to: Matyear Construction Co., Inc.
El Paso, Texas
Base Bid: \$502,958.60
Account No. PCP06MF002 – 99331117 – 27263 - 508027
Funding Source: 2006 Certificate of Obligation
Total Estimated Award: \$502,958.60
Districts: All

This project consists of approximately 125,000 square feet of roof repairs and replacement on citywide facilities.

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

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

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

This is a best value unit-price contract.

The Departments of Financial Services, Engineering, and General Services recommend award to the bidder offering the best value bid.

Representative Castro was not present for the vote.

Representatives Castro and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terence Freiburg, Purchasing Manager
- 3. Ms. Irene Ramirez, Assistant City Engineer
- 4. Mr. Barry Russell, Assistant Director of Parks and Recreation

17B. FINANCIAL AND ADMINISTRATIVE SERVICES

Motion made by Representative Ortega, seconded by Representative Lozano, and carried to **APPROVE** the Solicitation No. 2007-097R (Employee Benefits) to Aetna Life Insurance Company – TPA and PPO, Med

Solutions, Inc. - Pharmacy, ING Employee Benefits Reliastar Life Insurance Company – Stop Loss, and Deer C Services, LLC – EAP for a total estimated award of \$13,125,468.72.

Department:	Office of Management & Budget/Insurance & Benefits
Award to: Vendor 1	Aetna Life Insurance Company Hartford, CT
Items:	TPA and PPO Network
Estimated Annual Fees:	\$2,636,335.96
Award to: Vendor 2	Medco Health Solutions, Inc. Franklin Lakes, NJ
Item:	Pharmacy
Estimated Annual Fees:	\$302,879.20
Award to: Vendor 3	ING Employee Benefits Reliastar Life Insurance Company Minneapolis, MN
Item:	Stop Loss
Estimated Annual Fees:	\$1,402,011.08
Award to: Vendor 4	Deer Oaks EAP Services, LLC San Antonio, TX
Item:	EAP
Estimated Annual Fees:	\$33,933.00
Total Annual Est. Fees:	\$4,375,156.24
Account No.:	04100248 – 45121 - 502119
Funding Source:	Health Insurance & Benefits - Health Benefits
Total Estimated Award:	\$13,125,468.72 (3 year estimate)
Districts:	All

The Office of Management and Budget/Insurance & Benefits, Consultant, and the review committee have reviewed the Proposals that were received. It is the recommendation of the committee to award the RFP to the vendors. The Fully Insured Medicare Advantage Option will not be awarded. The proposal responses address scope and intent of the RFP.

This is a thirty-six month contract with the options to extend the contracts for two additional years, one year at a time. Additionally, it is requested authorization for City Attorney's Office to review and the City Manager be authorized to execute any related contract documents, agreements, and budget transfers necessary during the contract.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, and O'Rourke
NAYS: Representative Quintana
NOT PRESENT FOR THE VOTE: Representative Ortega

Mayor Cook and Representatives Byrd, Quintana, Castro, Lozano, and Lilly commented.

Mr. David Almonte, Director of Office of Management and Budget, commented.

Mr. Louie Heerwagen, Sales Vice President of Aetna, commented.

Ms. Anita Miles, Executive Director of Gyn Path Services, and Ms. Rebecca McSwain, Access Companies, commented.

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18A. CITY MANAGER:

City Manager's report of current events and issues:

Presentation of FY 2008 Budget Operations and Maintenance Recommendations.

David Almonte, Director of Office of Management and Budget, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook commented.

City Manager Joyce Wilson commented.

Ms. Lisa Turner and Mr. Hector Gonzalez, citizens, commented.

NO ACTION was taken on the item.

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18B. CITY MANAGER:

City Manager's report of current events and issues:

Quarterly Financial Report: 3rd Quarter for Fiscal Year 2007.

Mr. William Studer, Deputy City Manager of Financial and Administrative services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke, Lozano, and Byrd commented.

NO ACTION was taken on the item.

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Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **RECESS** the City Council Meeting at 1:15 p.m.

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

NAYS: Representative Lozano

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Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 1:43 p.m.

.....
Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:46 p.m.

Representatives Lozano and O'Rourke were not present for the vote.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk