

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 17, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:36 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:42 a.m. during Executive Session deliberations, and Jose Alejandro Lozano at 8:47 a.m. during Executive Session deliberations. Early departure: Jose Alejandro Lozano at 1:02 p.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. READING RALLY DAY**
- 2. SINGLE PARENT APPRECIATION DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Walt Phillips
2. Mr. Steven Strumer
3. Ms. Tephania Hopper
4. Mr. Pete Hollen
5. Ms. Lisa Turner
6. Mr. Matt Carroll
7. Mr. Thurman Reynolds

Mayor Cook and Representatives Castro and Lozano commented.

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

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Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:36 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 Lozano, Castro, and Holguin

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Lisa Elizondo vs. John Cook; Cause No. 2007-2617. (551.071)

Motion made by Representative Byrd, seconded Representative O'Rourke, and carried that the City of El Paso, through its governing body, has made a finding that the lawsuit styled Lisa Elizondo vs. John Cook; Cause No. 2007-2617, involves a public interest. Therefore, the City Attorney is authorized to **RETAIN OUTSIDE COUNSEL** to take any and all action necessary to respond to and defend the Mayor in the same lawsuit.

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

Representative Quintana commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

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EX2. Chris Jennings vs. City of El Paso, et al., EP-03-CA-0286-KC. (551.071)

Motion made by Representative Byrd, seconded Representative O'Rourke, and unanimously carried that the City Attorney's Office be **AUTHORIZED TO PAY** legal expenses and costs incurred by outside counsel in the lawsuit styled Chris Jennings vs. City of El Paso; Cause No. EP-03-CA-0286-KC.

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EX3. Discussion and action regarding strategies and options related to ASARCO litigation and the TCEQ permit process. (551.071)

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 12:16 p.m.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 1:11 p.m. and **RECONVENE** the meeting of the City Council

3RD MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, and carried that the City of El Paso authorizes the City Attorney and outside counsel for the City of El Paso to **RETAIN AN EXPERT** to develop and implement a public relations campaign in connection with the ASARCO TCEQ permit process renewal process in an amount not to exceed \$50,000.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Lozano

4TH AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, and carried that the City of El Paso authorizes the City Manager to **EXECUTE AN INTERLOCAL AGREEMENT** with the University of Texas at El Paso ("UTEP") under which the Institute for Policy and Economic Development ("IPED") of UTEP shall provide a study to determine all economic impacts on the community, should the ASARCO Smelter be re-opened; the cost of the economic impact study is \$50,000.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Lozano

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RESOLUTION

SECTION 13. CALLING AND ORDER-OF AGENDA ITEMS

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

Mayor Cook and Representative Lozano commented.

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

AYES: Representatives Lilly, Lozano, Castro, Quintana, Holguin, Steve Ortega, and O'Rourke
NAYS: Representative Byrd

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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, Quintana, Holguin, Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Castro

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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 July 10, 2007, and the Special City Council Meetings of July 11, 2007, and July 12, 2007 (Budget Hearings).

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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**

That the City Manager be authorized to sign the Employment Agreement renewals between the City of El Paso and the following individuals.

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|-----------------------|------------------------------------|
| 1. Edgardo Chacon | Senior Network Administrator |
| 2. Michael L. Demore | Senior Network Administrator |
| 3. Jose Esquivel | Programmer Analyst |
| 4. Jose Granillo, Jr. | G.I.S. Manager |
| 5. Yasmin Lopez | Programmer Analyst |
| 6. Antonio Rios | Database Administrator |
| 7. Alfredo Solano | Database Administrator |
| 8. David P. Wolking | Applications Support Administrator |

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

Mr. Richard Schecter, citizen, commented.

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4B.

***RESOLUTION**

That the City expend additional available funding in the amount of \$28,500 to F.T. James Construction Inc. to fund additional labor and materials for Contract Number 2006-190, Pavo Real Swimming Pool Project.

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4C.

***RESOLUTION**

That the Mayor be authorized to sign an amendment to the Interlocal Governmental Agreement, by and between the City of El Paso and the County of El Paso, which was signed on February 24, 2004, and which relates to motor vehicle registration refusal pursuant to Section 702.003 of the Texas Transportation Code.

Mayor Cook commented.

Mr. Victor Flores, County Tax Assessor-Collector, commented.

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4D. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the approval of a Resolution that the City Manager be authorized to sign a Lease Agreement between the City of El Paso and ELP Commercial for approximately 25,500 square feet of office space and 6,800 square feet of warehouse space at 1001 and 1003 Texas Street, El Paso, El Paso County, Texas, to house the El Paso Police Department property room and Internal Affairs Division operations.

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

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5. BOARD RE-APPOINTMENT

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

Motion made by Representative Lilly, seconded by Representative Lozano, and carried to **RE-APPOINT** Evelina Ortega to the Committee on Border Relations by Representative Ann Morgan Lilly, District 1.

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

NAYS: None

ABSTAIN: Representative Ortega

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6. BOARD APPOINTMENT

*Motion made, seconded, and carried to **RATIFY** City Manager's appointments of William Studer and Terri Garcia to the Police and Fire Pension Fund Board.

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7. APPLICATIONS FOR TAX REFUND

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

- A. Charles & Karen Lyon in the amount of \$4,522.19 overpayment of 2006 taxes. (PID #C801-999-0070-2100).
- B. First American R.E. Tax Service in the amount of \$3,068.30 overpayment of 2006 taxes. (PID #H801-999-0010-2975).
- C. Gladys E. Arana in the amount of \$3,906.15 overpayment of 2006 taxes. (PID #H801-999-0090-0300).
- D. First American R.E. Tax Service in the amount of \$3,523.39 overpayment of 2006 taxes.

(PID #T281-999-0060-2600).

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-183 (EPIA Long Term Parking Expansion) to Robles and Sons, Inc., for a total amount of \$469,304.

Department: El Paso International Airport
Base Bid I: \$469,304
Account No. PAP0040 – 62620027 – 41080 - 508027
Funding Source: EPIA Enterprise Funds

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.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design but which do not increase the scope of the contract as awarded in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract.

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

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9A. – 9H. INTRODUCTIONS

Motion made by Representative Lozano, 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 Title 15 (Public Services), Chapter 15.08. (Street Rentals), Section 15.08.120 (Special Privilege Licenses) Subsection C (Exceptions) of the El Paso City Code to provide an exception for uses of public right of way less than thirty days and provide for a separate approval process, the penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.
- B.** An Ordinance amending the 2025 proposed Thoroughfare System as detailed in the map atlas of The Plan for El Paso and its related documents as originally approved by The El Paso City Council in 1999, and as subsequently amended, to remove Crestmont Drive.
- C.** An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code by amending Chapters 18.08 (Building Code); 18.10 (Residential Code); 18.12 (Mechanical Code); and 18.50 (Property Maintenance Code); to require a cooling supply for existing buildings and new construction; the penalty being as provided in Section 18.02.107 of no more than \$2,000 per day per violation.

PUBLIC HEARING WILL BE HELD ON JULY 24, 2007, FOR ITEMS 9A – 9C

- D.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in real property located at the Northeast Portion of Shady Lane Road, as

more particularly described in the Ordinance to The City of El Paso, in accordance with Section 34.05 (h) of the Tax Code.

PUBLIC HEARING WILL BE HELD ON JULY 31, 2007, FOR ITEM 9D

- E.** An Ordinance changing the zoning of a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) District to C-4 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00050
- F.** An Ordinance granting Special Permit No. ZON07-00051 to allow for an animal crematory on the property described as a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.42.040(R) of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00051
- G.** An Ordinance granting Special Permit No. ZON07-00052 to allow for a veterinary clinic on the property described as a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas, pursuant to Section 20.42.040(P) of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00052
- H.** An Ordinance granting Special Permit No. ZON07-00038 to allow for a helistop on the property described as a portion of Lot 24, Block 63, Tierra Del Este Unit 41, City of El Paso, El Paso County, Texas, and imposing conditions, pursuant to Section 20.08.203 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and North of Tierra Cortez Avenue. Applicant: Tenet Hospitals Limited. ZON07-00038

PUBLIC HEARING WILL BE HELD ON AUGUST 7 2007, FOR ITEMS 9E - 9H

NOT PRESENT FOR THE VOTE: Representative Castro

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10A. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Representative Castro, seconded by Representative Ortega, and unanimously carried to **POSTPONE** for one week the Public Hearing on a Resolution releasing conditions placed by a contract dated January 9, 1968, which imposed conditions on the following real property: Parcel 1: Tract 2E, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas; and, Parcel 2: Tract 2C, Section 22, Block 81, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

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

Representatives Byrd and Castro commented.

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10B.

ORDINANCE 16681

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

Representative Ortega commented.

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

Motion duly made by Representative Ortega, seconded by Representative Byrd, 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**.

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10C. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **DENY** 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.

Representative O'Rourke commented.

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

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10D.

ORDINANCE 16682

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

Representatives O'Rourke, Ortega, Byrd, and Lilly commented.

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

The following members of the public commented:

1. Mr. Julio Norman
2. Ms. Beatrice Lynch
3. Mr. Richard Marro, applicant

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Norman to address the Council after the sign-up period.

2ND MOTION

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

3RD AND FINAL MOTION

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, 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, Lozano, Quintana, Holguin, and O'Rourke
- NAYS: Representatives Byrd and Ortega
- NOT PRESENT FOR THE VOTE: Representative Castro

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

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ITEMS TAKEN TOGETHER:

10E.

ORDINANCE 16683

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

ORDINANCE 16684

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

Representative Lilly commented.

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

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

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

NAYS: None

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

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ITEMS TAKEN TOGETHER:

10G.

ORDINANCE 16685

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

13A.

R E S O L U T I O N

WHEREAS, pursuant to Title 19 (Subdivisions) of the City Code, the El Paso City Council is authorized to adopt fees for the processing of various applications and procedures administered under this Title; and

WHEREAS, the City staff is recommending adopting a fee to cover the administrative costs for expedited processing requested by applicants for the review of subdivision improvement plans and for inspecting the constructed subdivision improvements; and

WHEREAS, the expedited subdivision plan review and inspection fee allows applicants to request the expedited service and pay for the additional administrative costs associated with priority handling of the plan review and inspection services; and

WHEREAS, other fees for expedited review and handling of building and development plans already exists within the El Paso City Code; and

WHEREAS, the Development Coordinating Committee and the City Plan Commission have reviewed the text and are recommending the adoption of the new expedited fee; and

WHEREAS, the El Paso City Council finds that the schedule of fees listed below are appropriate fees for the expedited plan processing and inspection of these applications and procedures,

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

THAT, the following schedule of fees related to the administrative costs for processing of subdivision improvement plans and for inspecting the constructed subdivision improvements under Title 19 (Subdivisions) of the El Paso City Code shall be and hereby are as follows, effective immediately:

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|--------------------------------------|--|
| APPLICATION: | FEE: |
| <u>Subdivision Improvement Plan</u> | \$456.80 plus \$25.00 per acre, or portion thereof |
| <u>Checking & Inspection Fee</u> | |

| | |
|--|--|
| <u>Subdivision Improvement Plan</u> | \$456.80 plus \$25.00 per acre, or portion thereof |
| <u>Checking & Inspection Fee –</u> | PLUS \$75.00 per hour or portion of an hour |
| <u>Expedited Review</u> | |
| <u>Subdivision Improvement Plan</u> | Additional fee of \$150.00 per hour or portion of |
| <u>Checking & Inspection Fee –</u> | an hour |
| <u>Additional Inspection(s) Required due</u> | |
| <u>to Deficiencies in Construction</u> | |
| <u>Resulting from City Inspection</u> | |

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aduato, Deputy City Manager, Development and Infrastructure Services
3. Ms. Alan Shubert, Director of Development Services/City Engineering

Mr. Richard Schechter, citizen, commented

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

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

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

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10H.

ORDINANCE 16686

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

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

AYES: Representatives Lilly, Byrd, Lozano, 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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10I.

ORDINANCE 16687

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

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative Lozano, seconded by Representative O’Rourke, 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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10J.

ORDINANCE 16688

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

Representative Byrd commented.

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

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, 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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11A.

ORDINANCE 16689

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE TO ADD A NEW LOCATION OF SUNGLOW AVENUE FROM 100 FEET EAST OF AVALON DRIVE TO A POINT 300 FEET WEST THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representative Lozano commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd, Ortega, and 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**.

.....
11B.

ORDINANCE 16690

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

Mayor Cook and Representative Castro commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Byrd and 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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11C.

ORDINANCE 16691

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

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

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

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11D.

ORDINANCE 16692

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

Representatives Ortega and Lozano commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Guillermo Chavez, neighbor, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, 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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12A.

ORDINANCE 16693

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

Representative Lozano commented.

Mr. Gonzalo Cedillos, Capital Assets Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro and 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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12B.

ORDINANCE 16694

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

Mayor Cook and Representatives Lozano, Byrd, and Ortega commented.

City Manager Joyce Wilson and Mr. Gonzalo Cedillos, Capital Assets Manager, commented.

Mr. Richard Schecter, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, 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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13B. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative Ortega, seconded by Representative Lozano, and unanimously carried to **APPROVE** Council Ratification of the following Storm 2006 professional services contracts. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

Construction Management:

Paragon Project Resources, Inc., to provide construction management and inspection services for Storm 2006 construction projects. The agreement amount is not to exceed \$1,000,000 for services provided.

Construction:

Thunderbird Diversion Channel Repairs, Bid Number 2007-148, awarded to J.A.R. Concrete, Inc. in the estimated amount of \$590,877.80.

James Watt & Lee Trevino Street & Drainage Improvements, Bid Number 2007-164, awarded to Quest Contracting, Inc. in the estimated amount of \$435,040.34.

Modesto Channel River Outfall, Bid Number 2007-175, awarded to C & C Construction, Inc, in the estimated amount of \$779,990.00.

Mesa Hills-Wallenberg Street & Drainage Improvements, Bid Number 2007-187, awarded to Dan Williams Company, in the estimated amount of \$1,157,522.50.

Westside Flood Damage Improvements Phase I, Bid Number 2007-189, awarded to C&C Construction, Inc., in the estimated amount of \$6,499,909.40.

The above construction contracts are all unit priced contracts and as such work under these unit priced contracts is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost each of these contracts will be the sum total of the unit prices at the end of the contract term.

As part of the award of each of these contracts, 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.

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14.

RESOLUTION

That the City Manager be authorized to approve the FY 2008-2012 Strategic Plan for the El Paso Museum of Art.

Representatives Quintana and Castro commented.

Mr. Michael Tomor, Director of the Museum of Art, and Ms. Yolanda Alameda, Director of Arts and Cultural Affairs, commented.

Mr. Jack Maxon, Chairman of the Foundation Board, commented.

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

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin
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ADDITION 1 CITY MANAGER:

City Manager's report of current events and issues:

Review and discussion of Economic Development Department's May 2007 survey to UTEP Student Body.

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

Mayor Cook and Representatives Byrd, Lozano, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on the item.

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN**
this meeting at 1:13 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk