

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, 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 21, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:41 a.m. during Executive Session deliberations and Ann Morgan Lilly and Eddie Holguin, Jr. at 9:00 a.m.: The invocation was given by Police, Fire, and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **Larry M. Medina - Conquistador Award**
2. **Tom Diamond - Star On The Mountain Award**
3. **Tony S. Martinez - National Senior Games In Cycling**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Michael Hayes
3. Mr. Steven Strumer
4. Ms. Lisa Turner
5. Mr. Sam Aguilera
6. Mr. Salvador Gomez
7. Mr. James Perry

Mayor Cook commented.

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to Ms. Turner an additional thirty seconds to address the Council.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:39 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Lilly, Quintana, and Holguin

Motion made by Representative Robinson, seconded by Representative Holguin, 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.

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

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EX1. Claim of Jorge Molinar, Our File No. 08-C-218. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Jorge Molinar, Our File No. 08-C-218.

- AYES: Representatives Byrd, Acosta, Robinson, Ortega, and O'Rourke
- NAYS: None
- ABSTAIN: Representatives Lilly, Quintana, and Holguin

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EX2. Frontier Airlines Holdings, Inc., et al., Chapter 11 Case Number 08-11298 (Southern District of New York). (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that City Council hereby authorizes Outside Counsel for the City of El Paso, in consultation with the City Attorneys office, to **FILE APPROPRIATE DOCUMENTS** in the bankruptcy case styled Frontier Airline Holdings, Inc., et al., Case No. 08-11298 (Southern District of New York), and also grants authority to Outside Counsel, in consultation with the City Attorneys office, to reject the offer to purchase the City's claims.

- AYES: Representatives Byrd, Acosta, Robinson, Quintana, Ortega, and O'Rourke
- NAYS: None
- ABSTAIN: Representatives Lilly and Holguin

1. MAYOR AND COUNCIL

Presentation by Texas Border Coalition ("TBC") regarding work done by TBC representing the interests of border communities before the State and Federal Legislature.

Mayor Cook and Representative Quintana commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Mr. Billy Moore, Texas Border Coalition, commented.

NO ACTION was taken on the item.

CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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

NAYS: None

2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the revised Minutes for the Regular City Council Meeting of July 14, 2009, and the Special City Council Meetings of July 15, 2009 (Budget Hearings for Department of Public Health, Airport, International Bridges, Public Transit – Sun Metro, and Street), and July 16, 2009, (Budget Hearings for Financial Services, Human Resources, Tax, OMB/Health Fund/Workers' Compensation, and Non-Departmental).

3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

4A.

***RESOLUTION**

WHEREAS, the City Of El Paso is entitled to appoint two members of the El Paso Central Appraisal District Board;

WHEREAS, City Council desires to appoint a new member to the El Paso Central Appraisal District Board to fill the unexpired term previously held by former City Council Representative Melina A. Castro.

NOW THEREFORE, be it resolved by the City Council of the City of El Paso:

That District 8 City Representative Beto O'Rourke is hereby appointed to the El Paso Central Appraisal District Board of Directors to fill the unexpired term previously held by former City Council Representative Melina A. Castro.

4B.

***RESOLUTION**

That the Mayor be authorized to sign the Interlocal Agreement between the County of El Paso, the City of Socorro, and City of El Paso to submit a joint application to the Department of Justice – Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation, in the amount of \$339,105. The funds received under the JAG formula program will be allocated \$163,656, or 48.26%, of the total to the El Paso County; \$11,793, or 3.48%, of the total to the City of Socorro; and \$163,656, or 48.26%, to the City of El Paso. The City grant funds will be used to the acquire law enforcement equipment that will enhance officer safety. That the City Manager or her designee be authorized to sign any grant related paperwork, including all understandings and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfers and submit necessary revisions to the operational plan. No cash match required.

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5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Czerwinsky to the El Paso County 911 District Board of Managers by Mayor John F. Cook.

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5B. BOARD RE-APPOINTMENT

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

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5C. BOARD RE-APPOINTMENT

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

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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Maria Elena Garcia to the Animal Shelter Advisory Committee by Representative Emma Acosta, District 3.

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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sema Gonzalez, as an Alternate, to the Zoning Board of Adjustment by Representative Emma Acosta, District 3.

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6C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Carlos Torres, Sr., as an Alternate, to the Building & Standards Commission by Representative Emma Acosta, District 3.

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6D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Luis C. Sandoval, Jr. to the Fair Housing Task Force by Representative Emma Acosta, District 3.
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6E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Carla Cardoza to the Animal Shelter Advisory Committee by Representative Steve Ortega, District 7.

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7. APPLICATIONS FOR TAX REFUNDS

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

- A. Royal Estates of El Paso in the amount of \$40,822.26 overpayment of 2004 taxes. (PID #2003-999-1354-0034).
- B. Stewart Title Co., in the amount of \$3,718.42 overpayment of 2007 taxes. (PID #T287-999-0370-1500)

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8. BID

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the award Solicitation No. 2009-182R (Recreation Management Software) to The Active Network, Inc., for a total estimated award of \$370,448.

Department:	Parks and Recreation
Award to:	The Active Network, Inc San Diego, CA
Items:	All
Option:	Five years (years 6 – 10)
Total First Year Cost:	\$122,448
Total Cost (Years 2 – 5):	\$248,000
Funding Source:	Parks General Fund
Total Estimated Award:	\$370,448 (total 5-year cost)

This is a five year contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Judy Weiss, Assistant Parks and Recreation Director
- 3. Mr. Terrence Freiburg, Purchasing Manager
- 4. Mr. Gerald Gordier, Chief Information Officer and Information Technology Director
- 5. Ms. Nanette Smejkal, Director of Parks and Recreation

9A. – 9C. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

NOT PRESENT FOR THE VOTE: Representative Quintana

- 9A.** An Ordinance vacating a 0.160 acre portion of a 30-foot alley within Block 51, Anson Mills Map, El Paso, El Paso County, Texas. Location: north of San Antonio Avenue and west of Durango Street.
- 9B.** An Ordinance vacating a 0.212 acre portion of Western Street lying between Block 170, Campbell's Addition and Block 51, Anson Mills Map, El Paso, El Paso County, Texas. Location: west of Durango Street at Western Street.
- 9C.** 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 the use of public right-of-way for outdoor patio cafés in the Union Plaza Entertainment Area and to provide for a separate approval process. The penalty is as provided in Chapter 1.08, General Penalty, of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 28, 2009, FOR ITEMS 9A – 9C

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10. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item on the award of Solicitation No. 2009-241R (Mobile Two Finger Fast I.D. Systems) to Morphotrak, Inc. for a total estimated amount of \$617,830.

Department:	Police
Award to:	Morphotrak, Inc. Tacoma, WA
Items:	All
Option:	One year
Total First Year Cost:	\$343,830 (Option B)
Total Cost (years 2-5):	\$274,000
Account No.:	21150002 – 508010 – 05445 – G210833
Funding Source:	Border Security Equipment Technology Grant (BSET)
Total Estimated Award:	\$617,830 (total 5-year cost)

This is a five year contract.

The Departments of Financial Services, Purchasing Division, and Police recommend award as indicated. The review committee based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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11A.

ORDINANCE 17147

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00007 TO ALLOW FOR THE CONSTRUCTION OF A GROUND-MOUNTED PERSONAL WIRELESS TELECOMMUNICATION FACILITY AND EQUIPMENT SHELTER ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK 441, VISTA DEL SOL UNIT EIGHTY FOUR, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Holguin and Ortega commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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 **DENIED**.

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11B.

ORDINANCE 17148

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF MAIN STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS. LOCATION: WEST OF OREGON STREET AT MAIN STREET.**

Motion duly made by Representative O'Rourke, 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, Acosta, Robinson, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana

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 17149

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) OF THE EL PASO CITY CODE BY ADDING WESTWIND FROM STARDUST DRIVE TO THUNDERBIRD DRIVE TO SUBSECTION E (THIRTY MILES PER HOUR), AND AMENDING SUBSECTION F (THIRTY-FIVE MILES PER HOUR), NUMBER 36 WESTWIND DRIVE, FROM STARDUST DRIVE TO REDD ROAD; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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, Acosta, Robinson, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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 17150

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 SCHEDULE XII (RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), ZONE R (NO PARKING 7:00 A.M. TO 2:00 P.M., SCHOOL DAYS ONLY) OF THE EL PASO CITY CODE TO REQUIRE NO PARKING FROM 8:00 A.M. TO 5:00 P.M., SCHOOL DAYS ONLY; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

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, Acosta, Robinson, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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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12C.

ORDINANCE 17151

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 PROHIBIT PARKING ON LATTA STREET BETWEEN FINDLEY AVENUE AND PAISANO EAST DRIVE, WEST SIDE; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore Acosta, 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, Acosta, Robinson, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana

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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12D.

ORDINANCE 17152

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), ZONE Q (NO PARKING 7:00 A.M. TO 4:00 P.M., SCHOOL DAYS ONLY) OF THE EL PASO CITY CODE BY ADDING BILL COLLINS DRIVE, BOTH SIDES; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative Ortega, 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, Acosta, Robinson, Holguin, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana

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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TAKEN WITH ITEM 14

13. DEVELOPMENT SERVICES - ANNEXATION

Mr. John Neal, City Manager's Office, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Ortega, Lilly, O'Rourke, Robinson, Acosta, Holguin, and Quintana commented.

The following City staff members commented:

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

The following members of the public commented:

- 1. Mr. Conrad Conde, Greater El Paso Chamber of Commerce
- 2. Ms. Suzy Shewmaker Hicks, President of the Greater El Paso Association of Realtors
- 3. Mr. Doug Hamilton, President Elect of the El Paso Association of Realtors

4. Mr. Dan Olivas, Immediate Past President of El Paso Association of Realtors
5. Mr. Herb De La Rosa

1ST MOTION

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period for the remainder of the .

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried to **POSTPONE** eight weeks the item on discussion and action of a Resolution adopting an Annexation Policy setting out the criteria in which future lands will be considered for annexation into the City of El Paso corporate limits to allow the Mayor to create a task force of Council and shareholders to explore additional options and the entire policy.

AYES: Representatives Lilly, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: Representative Byrd

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 TAKEN WITH ITEM 13

14. DEVELOPMENT SERVICES - ANNEXATION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried to **POSTPONE** eight weeks the items on discussion and action on an Ordinance repealing Ordinance 8397 which established procedures for annexation and amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), of the El Paso City Code to establish annexation procedures.

AYES: Representatives Lilly, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: Representative Byrd

Mr. John Neal, City Manager's Office, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd, Ortega, Lilly, O'Rourke, Robinson, Acosta, Holguin, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Conrad Conde, Greater El Paso Chamber of Commerce
2. Ms. Suzy Shewmaker Hicks, President of the Greater El Paso Association of Realtors
3. Mr. Doug Hamilton, President Elect of the El Paso Association of Realtors
4. Mr. Dan Olivas, Immediate Past President of El Paso Association of Realtors
5. Mr. Herb De La Rosa

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 The City Council Meeting **RECESSED** at 1:30 p.m. and **RECONVENED** at 2:02 p.m.

15A.

RESOLUTION

WHEREAS, the National League of Cities (“NLC”) has been working with the Bill & Melinda Gates Foundation (“Foundation”) on the Communities Learning in Partnership (“CLIP”) initiative aimed at doubling the numbers of low-income young adults who complete postsecondary degrees or credentials with labor market value;

WHEREAS, CLIP is a four-year, \$20 million project funded by the Foundation, and coordinated through the National League of Cities and the Institute for Youth Education and Families;

WHEREAS, CLIP is a unique opportunity for mayors and community colleges to partner with other community leaders to coordinate and connect efforts to promote postsecondary persistence and increase degree and credential completion for low-income young adults in the community;

WHEREAS, the City of El Paso is part of a select group of cities invited by the Foundation and the Institute for Youth Education and Families to respond to a competitive Request for Proposals for a CLIP Planning Grant; and

WHEREAS, the City Council desires to create opportunities in the community for higher education and a well trained labor market;

WHEREAS, the City Council recognizes that low-income youth are likely to stay in the community they grew up in and are least likely to complete higher education; and

WHEREAS, the City Council desires to work with the El Paso Community College and other community stakeholders to apply for the CLIP Planning Grant.

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

1. That the City Council of the City of El Paso fully supports the joint submission of a Request for Proposal by the City of El Paso and the El Paso Community College for a CLIP Planning Grant through the National League of Cities and the Bill and Melinda Gates Foundation; and
2. That in the event a CLIP Planning Grant is secured, working through the Office of the Mayor, the City of El Paso commits to playing an active role in the planning and implementation processes, assist in the creation of a community-wide collaborative, participate in the collaborative and generally support the primary Foundation’s goal of doubling the numbers of low-income young adults who by age 26 earn a postsecondary credential with value in the marketplace by 2025.

Mayor Cook commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, and Holguin

NAYS: None

ABSTAIN: Representative Ortega

NOT PRESENT FOR THE VOTE: Representative O’Rourke

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15B. MAYOR AND COUNCIL

Discussion and action, at the request of public citizen Bill Sparks, concerning adopting a public restroom policy.

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

Mr. Bill Sparks, former Parks Advisory Board member, commented.

Ms. Joyce Wilson, City Manager, and Mr. Joel McKnight, Assistant Director for Parks and Recreation, commented.

NO ACTION was taken on the item.

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15C.

RESOLUTION

WHEREAS, the City of El Paso is a city with a rich history for the promotion of tolerance, acceptance, and diversity as our great city set historic precedent in 1962 as the first city in the South to pass an anti-discrimination ordinance that prohibits racial discrimination in hotels, motels, restaurants, and theaters;

WHEREAS, the City of El Paso, in 2003, adopted a forward-thinking ordinance that expressly prohibits the refusal of accommodation, advantages, facilities, or services on the basis of race, gender, gender identity, sexual orientation, color, religion, ethnic background, or national origin;

WHEREAS, the City of El Paso fully supports and endorses the 2003 United States Supreme Court decision in Lawrence v. Texas that holds that sexual conduct between two consenting adults is part of the liberty that is protected under the Due Process Clause of the 14th Amendment of the United States Constitution;

WHEREAS, the City of El Paso fully understands that the history of discrimination, intolerance, and bigotry is a regrettable history that in its extreme has led to the suppression of human rights, the unjust delivery of violence, and – in its worst incarnations – murder, torture, and war; and

WHEREAS, the City of El Paso prides itself as a community that is a hospitable, welcoming, and friendly place to live, do business, or visit and prides itself as a community that fully accepts and promotes the prosperity of people of different colors, genders, religious beliefs, national origins, and sexual orientations.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of El Paso, Texas that El Paso is a leading 21st Century community that respects the legal and social rights and practices of its citizens and visitors. The City of El Paso reaffirms its unyielding commitment to acceptance, tolerance, and diversity. The City of El Paso firmly rejects acts of discrimination, intolerance, and bigotry.

Representatives Ortega, Byrd, and Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Bob Strong, citizen, commented.

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

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15D. MAYOR AND COUNCIL

Discussion and action on proposed Legislative Review Committee (LRC) protocols to govern Legislative Review Committees' activity.

Mayor Cook and Representatives Acosta, Byrd, O'Rourke, Lilly, Quintana, Ortega, Robinson, and Holguin commented.

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

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, to **DO AWAY WITH LRCS. THE MOTION FAILED.**

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

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative O'Rourke, and carried to **ADOPT, AS REVISED**, the proposed LRC protocols with amendments as read into the record by Representative Acosta to include the Chair's report only include subjects discussed and formal actions taken by the LRC and Minutes filed with Council, and to review in six months to determine effectiveness.

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

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15E. MAYOR AND COUNCIL

Proposed Legislative Review Committee (LRC) assignments.

Representatives Acosta and Byrd commented.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative O'Rourke, and carried to **ACCEPT, AS REVISED TO NAME REPRESENTATIVE BYRD AS THE CHAIR OF THE ENVIRONMENTAL SERVICES LRC AND REPRESENTATIVE ROBINSON AS THE CHAIR OF THE COUNCIL RULES LRC**, the LRC assignments.

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

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16. DEVELOPMENT SERVICES

Motion made by Representative Quintana, seconded by Representative Ortega, and carried to **APPROVE** a Conditional B permit for Tres Suenos Unit Two Subdivision based on a finding of economic hardship.

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

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

Mayor Cook and Representatives Quintana and Byrd commented.

Mr. Conrad Conde, representing the applicant, commented.

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17.

R E S O L U T I O N

WHEREAS, on March 31, 2009, the El Paso City Council, adopted a resolution that established the Multi-Family Housing Needs Incentive Policy and Chapter 380 Grant Program, pursuant to Chapter 380, Texas Local Government Code, and which contained certain findings and determinations incorporated therein to support the finding of a public purpose for the Program; and

WHEREAS, the Economic Development Director now recommends that the adopted Policy and related Chapter 380 Grant Program be amended: (1) to make the Program more attractive to multi-family housing developers by increasing the financial incentives available under the Program and by targeting the incentive toward the priority goal of completed multi-family housing units; (2) to encourage the City's goal of increased in-fill development by reducing the minimum construction requirement for projects that incorporate in-fill development; (3) to clarify that applicants who have received building permits since the original adoption date of the Program are eligible to participate under the amended Program; and (4) to reduce the number of multi-family housing units to be incentivized to a more conservation figure in response to the reduction of troops and civilian personnel to be stationed at Fort Bliss under Grow the Army; and

WHEREAS, the City Council reaffirms the findings and determinations contained in its prior resolution, which are incorporated by reference herein, and specifically restates that the Program established pursuant to Texas Local Government Code Chapter 380 will promote and stimulate business activity that will result in the immediate construction of large-scale multi-family housing developments, will also alleviate the critical housing needs of the City related to Fort Bliss expansion, and have a positive economic impact on the local economy and further City Council's economic development objectives of increasing job creation, increasing redevelopment efforts, and increasing the City's property tax base.

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

- (1) The Multi-Family Housing Needs Incentive Policy and Chapter 380 Grant Program be amended and restated as shown in Exhibit "A", attached to this Resolution.
- (2) The City Manager is hereby authorized to execute Chapter 380 Economic Development Program Agreements in accordance with the Program requirements and in a form substantially similar to the standard contract, attached as Exhibit "B", upon approval of the City Attorney.
- (3) Pending applicants may elect to participate under either the original Program or the amended Program; New applicants must participate under the amended Program, as of the adoption date of this Resolution.
- (4) It is the intention of City Council that any applicants who have received building permits since the date of the initial adoption of the Program are also eligible to participate under the amended Program.

Representatives Byrd, Robinson, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Economic Development, commented.

Mr. Tom Bohannon, Bohannon Development Company, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Quintana

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Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:44 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk