

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
AUGUST 10, 2010
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, and Steve Ortega. Late arrivals: Beto O'Rourke at 8:39 a.m. and Eddie Holguin, Jr. at 8:40 a.m. during Executive Session deliberations. Absent: Rachel Quintana requested to be excused from the morning portion of the meeting, arrived at 10:44 a.m. Early departure: Mayor John F. Cook at 4:37 p.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. LEED FOR NEIGHBORHOOD DEVELOPMENT MONTH**
- 2. NAACP-EL PASO BRANCH DAY**

RECOGNITION

LOUIE ALVIDREZ - STAR ON THE MOUNTAIN AWARD

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. William F. Hart, Jr.
2. Ms. Ruby Ochoa
3. Ms. Lisa Turner
4. Mr. James Perry
5. Mr. Roberto Carbajal
6. Mr. Salvador Gomez
7. Mr. Ray Gilbert

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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

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

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

NOT PRESENT FOR THE VOTE: Representatives Holguin and O'Rourke
ABSENT: Representative Quintana

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:15 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Lilly
ABSENT: Representative Quintana

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EX1. 5100 El Paso Drive. (551.071 and 551.072)

NO ACTION was taken on this item

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EX2. Discussion and action on legal issues relating to the contract between the City of El Paso and Waste Connections, Inc. passed and approved on April 27, 2004, Our File No. 10-C-105. (551.071)

NO ACTION was taken on this item

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EX3. Claim of Guillermo Sanchez; Our File No. 10-C-080 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to deny claimant's settlement demand in the claim of Guillermo Sanchez; Our File No. 10-C-080.

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

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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, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Quintana

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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 August 3, 2010 and the Special City Council Meeting of July 29, 2010 (Budget Hearings – Budget Wrap Up) and the Special City Council meeting of July 29, 2010 (Introduction of an Ordinance levying FY2011 Taxes).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Rachel Quintana from the morning portion of the Regular City Council meeting of August 10, 2010.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an electrical transformer easement to the El Paso Electric Company for the purpose of providing electrical service for a proposed city park at Marcus Uribe Drive at North View Street, El Paso, Texas. Said property being more particularly described as a portion of Section 22, Block 81, Township 1, T&P RR Survey, El Paso, El Paso County, Texas.

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3B.

***RESOLUTION**

That the City Council approves the expenditure of additional available funding by a change order in the amount of three hundred ninety nine thousand and 00/100 dollars (\$399,000.00) to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. The change order provides for labor, materials and equipment for removal of existing asphalt pavement and replace with concrete on Glory Road, Oregon Street and a portion of Cincinnati Street in front of the terminal, adding no days of contract time for Contract Number 2009-145. The new contract sum, including the change order approved herein, is nine million seven hundred thirty three thousand four hundred eighty and 83/100 dollars (\$9,733,480.83).

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented

Ms. Lisa Turner, citizen, commented.

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3C. LIBRARY

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution that the City Council approves the Naming Policy for the El Paso Public Library.

Representatives Acosta, Robinson, and Holguin, commented.

Ms. Joyce Wilson, City Manager, and Ms. Carol Brey-Casiano, Director of Library, commented.

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3D.

***RESOLUTION**

WHEREAS, the Friends of the Westside Libraries (hereafter referred to as "Friends") desire to donate approximately one hundred thirty-five thousand and six hundred dollars (\$135,600.00) for the purpose of remodeling the Westside Branch of the City of El Paso Public Library which includes the expansion of the work area as stated in the letter attached hereto; and

WHEREAS, the City Council wishes to accept this donation for the purpose stated; and

WHEREAS, the City Council authorizes the City Manager to accept any donations from Friends for this purpose, which donation may be made in one or multiple payments.

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

THAT, the City Council authorizes the City Manager to accept any donations from Friends for the purpose of remodeling the Westside Branch of the City of El Paso Public Library ("project") which includes the expansion of the work area as stated in the letter attached hereto, which donation may be made in one or multiple payments, which will be made within 30 days of the completion of the project. The City Manager is also hereby authorized to execute any and all necessary documents for the acceptance of the donations for this purpose and any necessary documents for the allocation of such funds

Mayor Cook commented.

Ms. Carol Brey-Casiano, Director of Library, commented.

The following members of the public commented:

1. Ms. Thelma Campos, President of the Friends of the Westside Library.
2. Ms. Gretchen Trominski, Friends of the Westside Library member.

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3E.

***RESOLUTION**

That the Mayor be authorized to sign the Interlocal Agreement between the County and City of El Paso to submit a joint application to the Department of Justice – 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$315,578.00. The funds received under the JAG program will be allocated 50% to the COUNTY and 50% to the CITY. The City grant funds will be utilized to purchase a "Blue Team" server, fund media centers at all Police Regional Commands, purchase tracking devices and night vision equipment and for travel and training. 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

Assistant Police Chief Eric Shelton commented.

Ms. Lisa Turner, citizen, commented.

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3F. SUN METRO

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign the Mission Valley Visitor’s Center Operating Agreement by and between the City of El Paso and the El Paso Mission Trail Association for the management and operation of the Mission Valley Transfer Center Visitor’s Center, at no cost to the City.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager commented.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Shirley Roberts to the Retired and Senior Volunteer Advisory Council (RSVP) by Mayor John F. Cook.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jane E Ratcliff to the Cultural Affairs Advisory Board by Representative Eddie Holguin Jr., District 6.

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5A. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City’s option to extend current Contract 2009-252R (Baseline Physical Exams for Firefighters) with Las Palmas Del Sol Healthcare for two (2) additional years pursuant to the provisions of an award approved by the City Council on August 25, 2009. Extended contract period will be from August 25, 2010 to August 25, 2012.

Department: Fire
Option: One [of One]
Funding Source: General Fund
Total Estimated Amount: \$328,728 (total 2 year extension)

Mayor Cook commented.

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5B. REQUEST TO ISSUE PURCHASE ORDER

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City’s option to extend current Contract 2007-224 (GMC/Chevrolet Proprietary Parts and Service- Heavy Duty Vehicles) with Rush Truck Centers of Texas, L.P., d/b/a Rush Truck Center, El Paso for two (2) additional years pursuant to the provisions of an award approved by the City Council on September 4, 2007. The extended contract period will be from September 4, 2010 to September 3, 2012.

Department: General Services - Fleet Division
Option: One [of One]
Annual Estimated Amount: \$30,000
Funding Source: Fleet Services Internal Service Fund
Total Estimated Amount: \$60,000 (2 years)

5C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **REJECT** all bids for Solicitation No. 2010-233 (City Fleet Vehicles) as recommended by Financial Services, Purchasing Division, and General Services, Fleet Division, because total cost of ownership evaluation will be utilized in future vehicle solicitations to achieve substantial savings. A new solicitation will be issued.

Representative Acosta commented.

Mr. Stuart Ed, General Services Director commented.

Mr. Jerry Thiedt, citizen, commented.

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5D. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Innovative PBX Services, Inc. a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-667 for structured cabling services for various City Departments in the estimated amount of \$200,000.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source Various
Total Estimated Amount: \$200,000
Reference No.; 2010-275

Mayor Cook and Representatives Acosta and Ortega commented.

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

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6. REQUEST FOR PROPOSAL

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-173R (Food and Beverage Concession for Athletic Fields) to Big Boy Ice Cream, Blue Star, Bryanna Ice Cream, Crystal Ice Cream, Manny’s Ice Cream, Polar Ice Cream, Rainbow Ice Cream, and The Amigo Ice Cream for the total estimated revenue amount of \$120,000.

Department: Parks & Recreation
Award to: Vendor 1 Big Boy Ice Cream
El Paso, TX
Items: Northeast Regional Park, Blackie Chesher,
Marty Robbins, and Westside Sports Complex
Option: Two Years
Award to: Vendor 2 Blue Star
El Paso, TX
Items: Grandview and Memorial Parks
Option: Two Years

Award to:	Vendor 3	Bryanna Ice Cream Sunland Park, NM
Items:		Marwood, White Spur, and Yucca Parks
Option:		Two Years
Award to:	Vendor 4	Crystal Ice Cream El Paso, TX
Items:		Capistrano, Chester Jordan, Cielo Vista, and Eastwood Parks
Option:		Two Years
Award to:	Vendor 5	Manny's Ice Cream El Paso, TX
Items:		Nations Tobin Park
Option:		Two Years
Award to:	Vendor 6	Polar Ice Cream El Paso, TX
Items:		Washington Park
Award to:	Vendor 7	Rainbow Ice Cream El Paso, TX
Items:		Delta Park
Award to:	Vendor 8	The Amigo Ice Cream El Paso, TX
Items:		Carolina, Galatzan, Marian Manor, Pavo Real, Sue Young, and Veterans Parks
Option:		Two Years
Annual Estimated Revenue:		\$40,000
Funding Source:		Revenue Generating
Total Estimated Revenue:		\$120,000 (3 years)

This is revenue generating type contract with an initial term of thirty-six (36) months.

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

Mayor Cook and Representatives Holguin and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Ms. Judy Weiss, Assistant Director of Parks and Recreation

Mr. Ignacio Barbosa, citizen, commented

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7A. – 7B. INTRODUCTIONS

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

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

NAYS: None

ABSENT: Representative Quintana

7A. An Ordinance changing the zoning of all of Lots 43-49, Block 4, Eastside Industrial District, Unit One, City of El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6880 Industrial Avenue. Applicant: Wayne and Patricia May. ZON10-00040

7B. An Ordinance changing the zoning of Tract 2, Block 37, Ysleta Grant, City of El Paso, El Paso County, Texas from A-O/C (Apartment-Office/Condition) to C-1/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 171 N. Zaragoza Road. Property Owner: Elvia Mendoza. ZON10-00030

PUBLIC HEARING WILL BE HELD ON AUGUST 31, 2010, FOR ITEMS 7A – 7B

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8. INFORMATION TECHNOLOGY

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AUTHORIZED** the Purchasing Manager of Financial Services, Purchasing Division, to issue a Purchase Order to Dell Marketing LP, a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-1014, for the annual Microsoft software license expense in the estimated amount of \$526,745.84.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology
Funding Source: Data Process Services/General Funds
Total Estimated Amount: \$526,745.84
Reference No.; 2010-266

ABSENT: Representative Quintana

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9. ORDINANCE 17368

The City Clerk read an Ordinance entitled: **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 EL PASO CITY COUNCIL IN 1999, AND AS SUBSEQUENTLY AMENDED, TO DELETE THE PROPOSED BERRINGER STREET, AS A COLLECTOR ARTERIAL, NORTH OF ARTCRAFT ROAD AND SOUTH OF THE PROPOSED EXTENSION OF ISELA RUBALCAVA STREET.**

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, Acosta, Robinson, Holguin, Ortega and O'Rourke
NAYS: Representative Byrd
ABSENT: 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**.

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

Representatives Byrd and Lilly commented.

Ms. Joyce Wilson, City Manager, commented.

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10. MAYOR AND COUNCIL

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, to **DELETE** the Public Hearing and send to the Transportation Legislative Review Committee on an Ordinance adding a new section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to restrictions on operating a motor vehicle near vulnerable road users; the penalty being as provided in Section 12.84.010 of the El Paso City Code.

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

Representative O'Rourke commented.

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11. ORDINANCE 17369

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE BY ADDING SUNDANCE AVENUE FROM MENLO AVENUE TO A POINT 340 FEET NORTH THEREOF, EAST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION – PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Quintana, 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, 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**.

Representative Byrd commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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12. ENVIRONMENTAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the Public Hearing on an Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety related to Commercial Recyclables (9.04.190); to amend Construction or Demolition Waste (9.04.200), to clarify waste haulers requirements; add emergency powers (9.04.400); add flow control for Municipal Solid Waste in Article VII; clarify fee (9.04.410); clarify enforcement in 9.04.0480. The penalty being as provided in Section 9.04.510 of the El Paso City Code.

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

NAYS: None

ABSENT: Representative Quintana

Ms. Joyce Wilson, City Manager, commented.

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13. OFFICE OF MANAGEMENT AND BUDGET

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **CLOSE** the First Public Hearing on the City of El Paso's proposed Fiscal Year (FY) 2011 property tax increase.

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

Ms. Joyce Wilson, City Manager, and Mr. David Almonte, Director of the Office of Management and Budget, commented.

Mr. Richard Schechter and Ms. Lisa Turner, citizens, commented.

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14. PUBLIC HEALTH

1st MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, to **POSTPONE** eight weeks the Public Hearing on an Ordinance amending Title 7 (Animals), Chapters 7.04 (Definitions), 7.12 (Dogs and Cats), 7.16 (Impoundment), and 7.24 (Livestock); and to create Chapter 7.14 (Animal Sales, Breeding and Shows); to define terms; to clarify fees and revise regulations applying to spayed, neutered, unspayed and unneutered dogs and cats; to revise permitting procedures; to provide for the services of animal welfare organizations; to prohibit the sale of most dogs and cats, and the sale and transfer of all dogs and cats younger than eight weeks of age; to require that a litter permit number be displayed in any advertisement to sell or transfer puppies and kittens; to require animals released by the city and animal welfare organizations be spayed or neutered; and to provide for an annual report of euthanized animals in the City; the penalty being as provided in Section 7.04.080 of the El Paso City Code.

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

NAYS: Representatives Ortega and O'Rourke

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager,
2. Mr. Mike Hill, Director of Health Department
3. Mr. Eduardo Castro, Deputy Director of Animal Services
4. Ms. Elaine Hengen, Senior City Attorney

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Terry Call
3. Ms. Betty Hoover
4. Ms. Ellen Penington
5. Ms. Loretta Hyde
6. Mr. Warren Ball
7. Mr. Mario Vasquez
8. Ms. Brandy Gardes
9. Mr. Richard Schechter
10. Mr. Rick Bonart
11. Mr. James Perry, Jr.
12. Mr. Charles Hooten, County Commissioner
13. Dr. Guy Johnsen, Johnsen Animal Hospital
14. Mr. Tom Linney
15. Mr. Lorenzo Baca

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15.

RESOLUTION

WHEREAS, the City of El Paso is engaged in a review of all existing ports of entry within the El Paso region to develop recommendations to improve cross-border mobility in the region, which study is referred to as the El Paso Regional Ports of Entry Operations Plan ("POE Plan");

WHEREAS, the POE Plan study team is currently being led by Cambridge Systematics and involves substantial public input;

WHEREAS, part of the task of the POE Plan study is to create an inclusive public involvement plan ("PIP") to insure that all interested groups in the El Paso region, including both sides of the U.S.-Mexico border and southeastern New Mexico are actively engaged in the planning, development, and implementation of the POE Plan;

WHEREAS, during the development of the POE Plan, staff of the City of El Paso has instructed those working on the study to assist in the implementation of short term projects identified by community stakeholders and supported by the City to be important in achieving the objectives of improving border security and mobility in the region;

WHEREAS, on April 5, 2010 Mayor John F. Cook of El Paso, Mayor Jose Reyes Ferriz of Cd. Juarez, and David P. Buchmueller, Chief Operating Officer of the Paso Del Norte Group, submitted a letter to the Secretary of State, Hillary Clinton, and the Secretary of the Department of Homeland Security, Janet Napolitano, recommending the creation of model border port pilot projects for the El Paso region to improve border security as well as trade and passenger facilitation;

WHEREAS, the City of El Paso, the El Paso Chamber of Commerce, the El Paso Regional Economic Development Corporation, the Paso Del Norte Group, among others established a community working group, which collaborated in the development of a list of recommendations to improve cross-border mobility and security in the El Paso region (“Working Group”) to submit to U.S. Customs and Border Protection (“CBP”);

WHEREAS, on April 30, 2010, the Working Group participated in a presentation to the Commissioner of CBP, the Honorable Alan Bersin, regarding recommendations to improve and facilitate the secure entry of goods and people through our ports of entry located in El Paso region;

WHEREAS, at the time of the presentation a recommendation list was submitted to Commissioner Bersin regarding short, medium, and long term port related projects concerning the commercial cargo, pedestrian, and passenger environments; and

WHEREAS, the Paso Del Norte Group received funding from the U. S. Agency for International Development under the Merida II initiative;

WHEREAS, the funding will be used for the implementation of social, economic, alternative energy and human services programs in the Paso Del Norte Region;

WHEREAS, some of the projects presented to Commissioner Bersin may qualify for such funding;

WHEREAS, El Paso and Ciudad Juarez are inextricably linked by social, cultural and economic ties which are critical to the vibrancy of this border region and the nation;

WHEREAS, cross border trade contributes enormously to the economic vitality of both countries, especially in the border region;

WHEREAS, each day about a billion dollars of commerce and a million people cross the U. S. – Mexico border;

WHEREAS, a full economic recovery depends upon our region’s ability to create jobs and the facilitation of secure trade and commerce is a core component to our region’s ability to create jobs, including job in Mexico;

WHEREAS, Mexico and the U.S. have a shared interest in creating a 21st century border that promotes the security and prosperity of both countries;

WHEREAS, the U.S. and Mexican governments have launched a range of initiatives to develop a framework for a new 21st century border management;

WHEREAS, the new framework is based on the principles of joint border management, co-responsibility for cross-border crime, and shared commitment to the efficient flow of legal commerce and travel;

WHEREAS, based on the trade volume and history of cooperation of this region on secure trade initiatives (e.g. Dedicated Commuter Lane, FAST lane), the El Paso region should continue to serve as a leader in new initiatives to improve secure cross-border trade and travel;

WHEREAS, the Working Group described above, consisting of public and private stakeholders from both sides of the border, has developed a list of recommendations designed to facilitate the creation of a 21st century border; and

WHEREAS, the City of El Paso Committee on Border relations has reviewed the recommendations compiled by the Working Group and unanimously agreed to advise the Mayor and the City Council that the City of El Paso should approve the recommendations, continue to participate in the activities of the Working Group and assist in the implementation of the recommendations.

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

1. That the City Council of the City of El Paso supports the implementation of the Working Group recommendations outlined in Exhibit "A" attached hereto and in concert with the City's POE Plan under development, to support the implement of the initiatives listed.
2. That the City of El Paso will provide input and staff support to obtain the appropriate funding through private and public options.
3. That the City of El Paso will continue to work in the collaborative manner with our sister city, Cd. Juarez, Chih., and other relevant governmental agencies in the El Paso, Juarez borderplex to address issues related to the implementation of initiatives outlined in Exhibit "A".
4. That the City of El Paso considers the items listed in Exhibit "A" to be supportive of its initiatives and vision to improve border security in concert with the facilitation of legitimate trade and commerce across our international ports of entry; and that the efficient use of limited resources by our federal agencies allows them to focus such resources on security risks.

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

Mayor Cook and Representative O'Rourke commented

Mr. Said Larbi-Cherif, Director of International Bridges commented

The following members of the public commented:

1. Ms. Kathleen Campbell Walker
2. Ms. Liza Colquitt Munoz

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The City Council Meeting **RECESSED** at 1:03 p.m. and **RECONVENED** at 1:30 p.m.

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ITEMS TAKEN TOGETHER

16A. DEVELOPMENT SERVICES

Discussion and action to direct the City Manager to initiate amendments to zoning conditions placed on properties abutting Loop 375/Trans-Mountain Road located between Highway 54 and Interstate 10 to include reduction of setback conditions and adding other development conditions to the properties.

16B. DEVELOPMENT SERVICES

Discussion and action to direct the City Manager to initiate a zoning change to the properties currently zoned Planned Mountain Development (PMD) abutting Loop 375/Trans-Mountain North of Interstate 10 Road located between Highway 54 and Interstate 10 and to add conditions to the rezoning.

1ST MOTION

Motion made by Representative Lilly, seconded by Representative Ortega, and carried to **DIRECT** the City Manager to initiate amendments to zoning conditions placed on properties abutting Loop 375/Trans-Mountain Road located between Highway 54 and Interstate 10 to include reduction of setback conditions and adding other development conditions to the properties and to **DIRECT** the City Manager to initiate a zoning change and map revision to the properties currently zoned Planned Mountain Development (PMD) and designated Mountain Development Area (MDA), respectively, abutting Loop 375/Trans-Mountain North of Interstate 10 Road located between Highway 54 and Interstate 10 and to add conditions to the rezoning.

THE MOTION FAILED.

AYES: Representatives Lilly, Acosta, and Ortega

NAYS: Representatives Byrd, Robinson, Quintana, Holguin, and O'Rourke

2ND AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and carried to **POSTPONE** one week the items.

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

NAYS: Representative Byrd

NOT PRESENT FOR THE VOTE: Representative Quintana

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

Mayor Cook and Representatives Byrd, Ortega, O'Rourke and Lilly commented

The following members of the public commented:

- 1. Mr. Chuck Berry, TXDOT
- 2. Ms. Lisa Turner, citizen

17. MUNICIPAL CLERK

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution calling a Special Election in the City of El Paso for the submission of a measure to be held within the City on November 2, 2010; and making provisions for the conduct of the Election.

ITEMS TAKEN TOGETHER

18. CITY MANAGER

Discussion and action on final policy direction regarding implementation of flow control and/or franchise agreements within the Corporate Limits of El Paso, Texas, and including the following associated items.

18A1. Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **REJECT** the Settlement Offer and Agreement with Waste Connections, Inc. (related to the April 27, 2004 Solid Waste Disposal and Operating Agreement) and related documents.

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

18A2. Ordinance Redraft, Title 9.04 (Solid Waste Management):

18A2a. Flow control, franchise and other provisions;

18A2b. Proposed Franchise Agreement;

18A2c. Proposed Franchise Fees;

18A2d. Proposed Hauler Permit & Agreement;

18A2e. Proposed Waste Sharing Agreement.

18B1. INTRODUCTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **DELETE** the Introduction of an Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety relating to all provisions including solid waste and recyclables storage and collection, including commercial recyclables; distribution of handbills, weeds and vegetation; storage and disposition of construction or demolition waste; to clarify waste haulers requirements; to define terms; to add city emergency powers; to add flow control for municipal solid waste and franchising requirements; to add litter and shopping cart control requirements for retail and service establishments; to clarify the establishment and charging of fees; and to clarify enforcement officials and procedures; the penalty being as provided in Section 9.04.630 of the El Paso City Code.

18C. CITY MANAGER

Discussion and action on the FY2011 Budget Wrap-up session as related to Environmental Services regarding Flow control, franchises and fees.

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **CONTINUE** to pursue Flow Control.

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

2ND MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **IMPOSE** Franchise agreements, that would require; (1) that all haulers maintain their cans free of graffiti; (2) that all haulers report their customers who are not purchasing adequate waste services to Environmental Services; and additionally, that we would not consider franchise fees until such time that we can impose them equally to all haulers.

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

3RD MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **ACCEPT** staff's recommendation to increase the Residential Environmental Fee \$1.00.

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

NAYS: Representatives Acosta, Quintana, and Holguin

4TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **ACCEPT** staff's recommendation to increase the Commercial Environmental Fee \$3.00.

5TH MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and carried to **ACCEPT** staff's recommendation to increase the 2nd Refuse Container Monthly Charge to \$16.00.

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

NAYS: Representative Holguin

6TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **ACCEPT** staff's recommendation to increase the Commercial Refuse Collection (96 gal) fee to \$26.00.

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

NAYS: Representative Holguin

7TH AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Ortega, and carried to **KEEP** the Minimum Disposal charge at \$8.00.

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

NAYS: Representatives Lilly, Byrd, and Robinson

Ms. Ellen Smyth, Director of Environmental Services, and Mr. Marty Howell, Sustainability Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Byrd, Acosta, Robinson, Quintana, Holguin, 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. Kurt Fentersmacher, Assistant Director of Environmental Services
4. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services

The following members of the public commented:

1. Mr. George Wayne, Divisional Vice President of Waste Connections
2. Mr. Alfonso Diaz, President of the Restaurant Association
3. Ms. Mercedes Lopez
4. Mr. Sean Gilispie, El Paso C & D Recycling

5. Ms. Romelia Galvan
6. Ms. Bea Heist, Heist Disposal
7. Mr. Ray Gilbert
8. Mr. Jim Erickson
9. Mr. Taylor Moore, Sunland Park Grassroots
10. Ms. Mariana Chew, Sunland Park Grassroots
11. Ms. Isabel Santos
12. Ms. Teresa Montoya
13. Mr. Jose Armendariz
14. Ms. Dolores Ortiz

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to
ADJOURN this meeting at 5:02 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk