

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 17, 2010
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, and Steve Ortega. Late arrivals: Susannah M. Byrd at 8:37 a.m., Eddie Holguin, Jr. at 8:46 a.m., Beto O'Rourke at 8:59 a.m. during Executive Session deliberations and Rachel Quintana at 9:09 a.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.

RECOGNITIONS
City Employees

Ms. Joyce Wilson, City Manager, presented the following employee recognitions:

1. **Mr. Uvaldo Corral – 25 years**
2. **Mr. Kareem F. Dallo – 25 years**
3. **Ms. Josefina Navarro – 25 years**
4. **Mr. Andrew J. Brooks – 30 years**
5. **Mr. Daniel G. Ochoa – 30 years**
6. **Ms. Maria S. Medina – 30 years**
7. **Ms. Martha R. Moreno – 35 years**

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. Matt Carroll
2. Mr. Roberto Carbajal
3. Mr. Richard Fleagar
4. Mr. Jerry Thiedt

- 5. Mr. Burt Blacksher
- 6. Ms. Lisa Turner

Mayor Cook and Representative Holguin commented.

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

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 Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 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 Byrd, Quintana, Holguin, and O'Rourke

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, 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: Representative Quintana

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EX1. Discussion and action regarding City of El Paso vs. Chama Lounge and Gallery, Inc. d/b/a Chama Lounge, Luis Sanchez II, and Kevin C. Devonish; Cause No. 2008-126 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative O'Rourke, and carried that outside counsel for the City of El Paso be authorized settlement authority and to negotiate settlement agreements in consultation with the City Manager and the City Manager be authorized to sign all documents on behalf of the City of El Paso to resolve the City's claims in the lawsuit styled City of El Paso, Texas vs. Chama Lounge & Gallery, Inc. d/b/a Chama Lounge, Luis Sanchez II, and Kevin C. Devonish, Cause No. 2008-126.

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

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, 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

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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 10, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the Director of Aviation be authorized to sign and submit a grant application and related documentation to the Federal Aviation Administration (FAA) and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP) Project – Development of Electronic Airport Layout Plan (eALP) No. 3-48-0077-029-2010;

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney’s Office; provided that such authorization shall include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements;

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant; and

That the total grant amount shall include a federal share of \$300,000.00 and a local share of \$15,000.00, and will be utilized for the following project:

Development of eALP: The web-based Airport Geographic Information System (A-GIS) and associated eALP will eventually be available to Airport staff, their authorized representatives and the FAA, and will fundamentally change airport planning and development coordination along with the review and approval. Development of this plan will include gathering data, converting data into planimetric data, and uploading data into the A-GIS system.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a First Amendment to the following Development Agreements passed and approved on July 24, 2007, between the City and GFA Limited Partnership, a Texas Limited Partnership, to allow more time for the construction of the park improvements and to clarify the bond requirement provision.

Ventanas Unit One Off-Site Park Development Agreement

Ventanas Unit Two Off-Site Park Development Agreement

Ventanas Unit Three Off-Site Park Development Agreement

Ventanas Unit Four Off-Site Park Development Agreement

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3C.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 24th day of September, 2008, after due notice and

hearing, issued an order to MICHAEL E. JONES, record Owner of the hereinafter described property that the structure be secured within thirty (30) days and that the premises be cleaned of all weeds, trash, and debris within thirty (30) days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of the securing of the structure within thirty (30) days and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 13 and the West 8 Feet of Lot 14, Block 13, Dale Bellamah, Unit 2, an addition to the City of El Paso, El Paso County, Texas according to the map thereof on file in Book 17, Page 49, Plat Records of El Paso County, Texas, more particularly described as 6016 Redstone Lane, El Paso, Texas,

to be \$4,874.45, performed by the Street Department of the City of El Paso, and \$1,470.61, performed by the City Clerk's Office and Development Services Department, making a total of \$6,345.06. The City Council finds that the work was completed on the 17th day of May, 2010, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of SIX THOUSAND THREE HUNDRED FORTY-FIVE AND 06/00 DOLLARS (\$6,345.06) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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3D.

***RESOLUTION**

WHEREAS, City Council on September 3, 1991 granted Special Permit SP91-14, to allow off site parking on Parcel 2 to satisfy the parking requirements for Parcel I; and,

WHEREAS, JHGIL, LTD, Applicant, has applied for the removal of Special Permit No. 91-14 because the use of off-site parking is no longer needed; and,

WHEREAS, the repealing of the resolution granting Special Permit No. SP91-14 has been submitted to the City Council of the City of El Paso for review and approval;

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

1. That the Resolution approved on September 3, 1991, granting Special Permit SP91-14 for Parcel I property and Parcel II property, as described below is repealed.

Parcel I - All of Lots 11 & 12, Block 73, Magoffin, City of El Paso, El Paso County, Texas.

Parcel II - A portion of Lots 8-14, Block 76B, Ward Subdivision, City of El Paso, El Paso, County, Texas.

2. That the Special Permit (SP) designation is removed from the zoning district designation on the zoning map and that the property owner for Parcel I is responsible for complying with current parking requirements for the property.

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3E.

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

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Dish Network L.L.C. has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Dish Network L.L.C., as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Dish Network L.L.C. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Dish Network L.L.C. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Dish Network L.L.C. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Dish Network L.L.C. meets the criteria for tax relief and other incentives adopted by the City and nominates Dish Network L.L.C. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Dish Network L.L.C. as an enterprise project pursuant to the Act.

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

1. That Dish Network L.L.C. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;

2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
2. That the City Manager or her designee be authorized to sign any and all documentation required by EDC to complete the nomination process.

Mayor Cook commented.

Mr. Richard Schecter, citizen, commented.

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3F.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Western Refining Company, L.P. has applied to the City for designation as a double jumbo enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider Western Refining Company, L.P., as a double jumbo enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that Western Refining Company, L.P. meets the criteria for designation as a double jumbo enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Western Refining Company, L.P. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Western Refining Company, L.P. as a double jumbo enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Western Refining Company, L.P. meets the criteria for tax relief and other incentives adopted by the City and nominates Western Refining Company, L.P. for enterprise project

status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Western Refining Company, L.P. as an enterprise project pursuant to the Act.

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

1. That Western Refining Company, L.P. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as a double jumbo enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the double jumbo enterprise zone project shall take effect on the date of designation of the double jumbo enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documentation required by EDC to complete the nomination process.

Mayor Cook commented.

Ms. Kathryn Dodson, Director of Economic Development, commented.

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

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3G.

***RESOLUTION**

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), El Paso Healthcare System, Ltd. d/b/a Las Palmas Medical Center has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider El Paso Healthcare System, Ltd., as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that El Paso Healthcare System, Ltd. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. El Paso Healthcare System, Ltd. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of El Paso Healthcare System, Ltd. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that El Paso Healthcare System, Ltd. meets the criteria for tax relief and other incentives adopted by the City and nominates El Paso Healthcare System, Ltd. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate El Paso Healthcare System, Ltd. as an enterprise project pursuant to the Act.

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

1. That El Paso Healthcare System, Ltd. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documentation required by EDC to complete the nomination process.

Mayor Cook commented.

Mr. Richard Schecter, citizen, commented.

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3H.

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

WHEREAS, the City Council of the City of El Paso ("City") has previously passed Ordinance No. 017116 on May 26, 2009, electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 017116; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), El Paso Healthcare System, Ltd. d/b/a Del Sol Medical Center has applied to the City for designation as an enterprise zone project; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDC") through the Economic Development Bank ("Bank") will consider El Paso Healthcare System, Ltd., as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, the City finds that El Paso Healthcare System, Ltd. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. El Paso Healthcare System, Ltd. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of El Paso Healthcare System, Ltd. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that El Paso Healthcare System, Ltd. meets the criteria for tax relief and other incentives adopted by the City and nominates El Paso Healthcare System, Ltd. for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate El Paso Healthcare System, Ltd. as an enterprise project pursuant to the Act.

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

1. That El Paso Healthcare System, Ltd. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act;
2. That the enterprise zone project shall take effect on the date of designation of the enterprise project by the agency and terminate five years after date of designation; and
3. That the City Manager or her designee be authorized to sign any and all documentation required by EDC to complete the nomination process.

Mayor Cook commented.

Mr. Richard Schecter, citizen, commented.

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3I.

***RESOLUTION**

That the City Council approve the Naming Policy For El Paso Public Library Facilities and Library Spaces.

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3J.

***RESOLUTION**

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

WHEREAS, City Council Representative Beto O'Rourke was appointed to serve a term from July 21, 2009 to December 31, 2009 on the CAD Board;

WHEREAS, Representative Beto O'Rourke has been serving as a hold-over CAD Board member;

WHEREAS, Representative Beto O'Rourke has indicated he no longer desires to serve as a CAD Board member; and

WHEREAS, City Council desires to appoint a new member to the El Paso Central Appraisal District Board to fill the position previously held by City Council Representative Beto O'Rourke.

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

That District 6 City Representative Eddie Holguin is hereby appointed to the El Paso Central Appraisal District Board of Directors to fill the term commencing August 17, 2010 through December 31, 2011.

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3K.

***RESOLUTION**

WHEREAS, in accordance with Section 3.11 of the El Paso City Charter, an initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on November 23, 2009; and

WHEREAS, in accordance with Section 3.11 of the Charter, a second identical initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on May 13, 2010; and

WHEREAS, this resolution to call an election is now brought forward to the City Council as required by the Charter.

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

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Tuesday, November 2, 2010 in the City of El Paso for the purpose of submitting the following measure to the qualified voters. Official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for or against the measure with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO

text of the ordinance

Adoption of an untitled ordinance providing as follows: "The city of El Paso endorses traditional family values by making health benefits available only to city employees and their legal spouse and dependent children."

Ballot Measure

FOR () Shall the Ordinance, endorsing traditional family values by making health benefits available only to city employees and their legal spouse and dependent children, be approved?

AGAINST ()

2. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

3. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling

places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, October 23, 2010 and Sunday, October 24, 2010, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, October 18, 2010, through Friday, October 22, 2010 at the hours listed below*; on Saturday, October 23, 2010 at all locations from 7:00 am – 7:00 pm; on Sunday, October 24, 2010 at all locations from 12:00 pm – 5:00 pm; and from Monday October 25, 2010 through Friday, October 29, 2010 at all locations from 7:00 am – 7:00 pm.

	<u>Location:</u>	<u>Address:</u>	<u>Hours for October 18–22 only*</u>
a.	Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
b.	Canutillo Elementary	651 Canutillo Ave	8:00 am – 4:00 pm
c.	Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm
d.	Clint Junior High School	13100 Alameda Ave.	8:30 am – 5:00 pm
e.	Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
f.	Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm
g.	Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
h.	Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i.	Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm
j.	Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
k.	Rogelio Sanchez Center	1331 N. Fabens	9:00 am – 6:00 pm
l.	Rushfair Shopping Center	5255 W. B. Transmountain	9:00 am – 6:00 pm
m.	Sunrise Shopping Center	8500 Dyer	9:00 am – 6:00 pm
n.	Tornillo Administration Bldg.	119200 Cobb St.	8:30 am – 4:30 pm
o.	Vista Hills Shopping Center	1840 Lee Trevino	9:00 am – 6:00 pm
p.	Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting, and the City Clerk is authorized to approve these stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above and to all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than September 3, 2010 and no later than the close of business on October 26, 2010, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

4. A special canvassing board shall be appointed by the Mayor, or by the Council, as provided by law to count and canvass all early votes and ballots cast at said election.

5. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

6. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

7. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

8. A substantial copy of this resolution shall serve as proper notice of said election.

9. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper of the City as required by law.

10. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Friday, September 3, 2010.

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 3. Mr. Brian Heller, Assistant Municipal Clerk

Ms. Lisa Turner, citizen, commented.

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3L.

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the properties described in Exhibit "A" by Sheriff's Tax Deed because no bids were received when the properties were offered for sale, and the officer making the sale bid the properties off to the City of El Paso, as trustee for all the taxing entities, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires that the sheriff of El Paso County sell said properties in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

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

That the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code the properties set forth in Exhibit "A" attached herein and made part hereof.

Mayor Cook and Representative Byrd commented.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the appointment of Maria Nicolette Robinson to the Building and Standards Commission, as a regular member, by Representative Rachel Quintana, District 5.

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5. APPLICATIONS FOR TAX REFUND

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Wells Fargo Real Estate in the amount of \$3,254.71 overpayment of 2009 taxes. (PID #C340-999-0270-8850).
- B. CORELOGIC/GMAC MTG. in the amount of \$2,768.82 overpayment of 2009 taxes. (PID #E049-999-0090-0400).
- C. LSI Title Agency, Inc. in the amount of \$4,116.88 overpayment of 2009 taxes. (PID #E054-999-0570-0100).
- D. HSBC Mortgage in the amount of \$3,765.93 overpayment of 2009 taxes. (PID #E054-999-0470-2900).
- E. Gold Cross Properties in the amount of \$2,999.98 overpayment of 2009 taxes. (PID #M473-999-0450-6100).
- F. Specialized Loan Servicing, LLC in the amount of \$16,059.49 overpayment of 2009 taxes. (PID #P327-999-0030-1100).
- G. BAC Tax Services Corporation in the amount of \$3,262.87 overpayment of 2009 taxes. (PID #R330-999-0250-1100).
- H. Wells Fargo in the amount of \$4,644.92 overpayment of 2009 taxes. (PID #R460-999-0420-9070).
- I. Arianna Bender in the amount of \$4,783.04 overpayment of 2007 taxes. (PID #S373-999-002A-0925).
- J. HSBC Mortgage in the amount of \$3,056.94 overpayment of 2009 taxes. (PID #S543-000-0020-0100).
- K. Moncor Tax Advisors in the amount of \$9,511.64 overpayment of 2009 taxes. (PID #T287-999-0380-3900).
- L. Nationstar Mortgage, LLC in the amount of \$2,983.39 overpayment of 2009 taxes. (PID #V111-999-0040-0500).
- M. Isidro Acosta in the amount of \$3,000.00 overpayment of 2009 taxes. (PID #V893-999-5560-1700).
- N. Northeast Equity Partners LP in the amount of \$6,000.00 overpayment of 2009 taxes. (PID #N425-999-0010-0100).

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6A. REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **DELETE** the item requesting that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Advanced Security Contractors, Inc., for installation of video security camera systems at the Municipal Service Center (MSC), Clint landfill, The El Paso Museum of Art, Museum of History, Museum of Archeology and installation of Access control systems at the Municipal Service Center. Advanced Security Contractors, Inc.

is the sole source for i3DVR closed circuit TV system and Hirsch Access control systems installed at various City Buildings. Estimated expenditure is \$155,442.55 (\$142,509.40/cameras & \$12,933.15/Access controls).

Department: Information Technology
Funding Source 2010 Certificates of Obligation
Total Estimated Amount: \$155,442.55
Reference No.; 2010-257

Representative Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Art Armas, Director of Information Technology
3. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

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6B. REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to issue a Purchase Order to SirsiDynix Corporation, the sole source provider of maintenance for Horizon Automated Library Software and other SirsiDynix software in the estimated annual amount of \$57,038.73.

Department: Library
Funding Source Information Technology General Fund
Total Estimated Amount: \$57,038.73
Reference No.; 2010-272

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7. REQUEST FOR PROPOSAL:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-223R (Maintenance of City Servers) to Solid Systems CAD Services, Inc. for a total estimated award of \$228,995.

Department: Information Technology
Award to: Solid Systems CAD Services, Inc.,
Houston, Texas
Items: All
Option: 2 years
Annual Estimated Amount: \$76,331.67
Funding Source: General Fund
Total Estimated Award: \$228,995 (3 year total)
Reference No.; 2010-223R

This is a thirty-six month contract.

The cost under this contract is only an estimated minimum value. The actual coat of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Information Technology Department recommends award to Solid Systems CAD Services, Inc., the highest ranked proposer.

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8A. – 8T. INTRODUCTIONS

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

- 8A.** An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property located at 418 San Pablo Pl. to Edmundo A. Lewis, in accordance with Section 34.05(H) of the Tax Code.
- 8B.** An Ordinance amending Title 2 (Administration and Personnel), add Chapter 2.10 (Planning and Economic Development Department), and Sections thereunder, in the El Paso City Code, to create and establish the functions of the department known as the Planning and Economic Development Department.
- 8C.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), to amend and rename Chapter 13.02 (Mobility Services), and Sections thereunder, in the El Paso City Code, to create and establish the functions of the department known as the Department of Transportation.
- 8D.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), to create Chapter 13.06 (Engineering and Construction Management Department), and Sections thereunder, in the El Paso City Code, to create and establish the functions of the department known as the Engineering and Construction Management Department.
- 8E.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 6 (Vehicles for Hire) to amend Section 6.40.110 (Personnel, Vehicles and Equipment - Standards and Requirements) to reassign the duties of the Development Services Department and the staff; the penalty being as provided in Section 6.40.130 of the El Paso City Code.
- 8F.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 5 (Business Taxes, Licenses and Regulations) to amend various sections thereunder to reassign the duties of the Development Services Department and the staff; the penalty being as provided in Sections 5.08.180, 5.30.010, 5.32.160, 5.34.010, 5.44.270, 5.48.260, 5.54.160, 5.60.040, 5.72.120; 5.76.080, 5.84.250, 5.90.100, 5.100.100, 5.94.010, and 1.08.010 – 1.08.030 of the El Paso City Code.
- 8G.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 18 (Building and Construction) to amend Sections thereunder pertaining to the duties which had been assigned to the Development Services Department and staff; to delete Section 18.02.110 regarding displays in city facilities; and to delete Chapter 18.48 (Projection Booths); the penalty being as provided in Sections 18.02.107, 18.8.400, 18.21.360, 18.36.040, 18.44.240, 18.46.180, and as provided in the Technical Codes of the El Paso City Code.
- 8H.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 17 (Housing) to amend various sections pertaining to the duties which had been assigned to the

Development Services Department and the staff; the penalty being as provided in Sections 17.04.080 and 1.08.010 – 1.08.030 of the El Paso City Code.

- 8I.** An Ordinance to amend Title 1 (General Provisions) Chapter 1.04 (General Provisions), to amend section 1.04.030 (Definitions and Rules of Construction), to add definitions for the terms “Established Fee”, “Planning Official” and “Permit Official”.
- 8J.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 12 (Vehicles and Traffic) to amend Sections thereunder pertaining to the duties which had been assigned to the Development Services Department and staff, and the definition of the Traffic Engineer; the penalty being as provided in Section 12.84.010 of the El Paso City Code.
- 8K.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 15 (Public Services) to amend various sections thereunder relating to duties which had been assigned to the Development Services Department, the Engineering Department, and the Street Department, and the staff; the penalty being as provided in Sections 15.08.125 and 1.08.010 – 1.08.030 of the El Paso City Code.
- 8L.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 13 (Streets, Sidewalks and Public Places) to amend various sections thereunder pertaining to the duties which had been assigned to the Development Services Department, the Engineering Department, the Street Department, the Economic Development Department, and the staff. The penalty being as provided in Sections 13.08.180, 13.12.260, 13.20.040, and 1.08.010 – 1.08.030 of the El Paso City Code.
- 8M.** An Ordinance to amend the City Code to reflect departmental reorganization pertaining to the duties assigned to the Development Services Department and the Economic Development Department and staff by amending Titles 2 (Administration and Personnel) and 3 (Revenue and Finance) to amend various sections to reflect the name change for these departments and the reassignment of duties; the penalty being as provided in sections 1.08.010 – 1.08.030 of the El Paso City Code.
- 8N.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 9 (Health and Safety) to amend various sections to reassign duties which had been assigned to the Development Services Department, the Street Department and the Engineering Department, and the staff; the penalty being as provided in Sections 9.12.890, 9.32.150, 9.40.140, 9.48.260, 9.50.130, 1.08.010 – 1.08.030, and throughout Chapter 9.52 of the El Paso City Code.
- 8O.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 19 (Subdivisions), to amend various sections thereunder pertaining to the duties that had been assigned to the Development Services Department, and staff; the penalty being as provided in Section 19.42.070 of the El Paso City Code.
- 8P.** An Ordinance to amend the City Code to reflect departmental reorganization by amending Title 2 (Administration and Personnel) to amend various chapters pertaining to the duties which had been assigned to the Development Services Department and the staff; the penalty being as provided in Sections 1.08.010 – 1.08.030 of the El Paso City Code.
- 8Q.** 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 Collections, including commercial recyclables; Distribution of handbills, weeds and vegetation; and 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.

8R. An Ordinance amending Title 2 (Administration and Personnel), to amend Chapter 2.110 (City Organizational Structure) in its entirety; to revise the structure of the department known as the City Manager’s Office; to assign the Risk Management Function to the Human Resources Department; to revise the duties of the General Services Department; and to delete duplicate provisions relating to departmental authorization.

8S. An Ordinance setting the fee structure for the Fire Department Medical Services System; the penalty being as provided in Section 9.523.030 of the El Paso City Code.

8T. An Ordinance to standardize the eligibility age for senior fee discounts in the City of El Paso Quality of Life Departments to the age of 60 years, amending Chapter 2.40 (Department of Museums and Cultural Affairs, Section 2.40.020 (Fees) and Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.200(D)(5) Park and Recreation Facility Use and Fee Authorization of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON AUGUST 24, 2010, FOR ITEMS 8A – 8T

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8U. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the Introduction of an Ordinance amending Chapter 13.24 (City Parks and Recreation Areas) Section 13.24.200 Park and Recreation Facility Use and Fee Authorization, Subsection (D)(6) (Multiple Child Discount) of the El Paso City Code and adding Subsection (E) (Fee Waiver Program) to the El Paso City Code to broaden the applicability of the multiple child discount and to provide authorization of a low-income fee waiver program

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

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8V. INTRODUCTION

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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, Quintana, Holguin, Ortega, and O’Rourke
NAYS: None

An Ordinance changing the zoning of Tract 5, McElroy Acres, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 8225 McElroy Avenue. Property Owner: Michael and Lorena Fernandez. ZON10-00037

PUBLIC HEARING WILL BE HELD ON AUGUST 31, 2010, FOR ITEM 8V

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried to **RECONSIDER** the item.

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

3RD AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED AS REVISED** Public Hearing to **September 14, 2010**.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Holguin and Ortega

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9. MAYOR AND COUNCIL

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **ACCEPT** the report provided to City Council by the Blue Ribbon Committee on Regional Parks, and to **DIRECT** the City Manager to begin implementing the recommendations and begin the process to move forward to negotiate with the County.

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

NAYS: Representatives Robinson, Quintana, and Holguin

Mr. Carlos D. Bombach, board member of the Parks and Recreation Advisory Board, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Leila Melendez, Executive Assistant to the City Manager
3. Ms. Nanette Smejkal, Director of Parks and Recreation

The following members of the public commented:

1. Mr. Lynn Fitzgerald
2. Ms. Lisa Turner

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10A.

ORDINANCE 17370

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00038, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS SOUTH 1/2 OF LOT 1, BLOCK 4, BEAUMONT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. ZON10-00038**

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

Representative Byrd commented.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the public hearing.

2ND MOTION

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

3RD AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, 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**.

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10B.

ORDINANCE 17371

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00035, TO ALLOW FOR INFILL DEVELOPMENT AND A 100% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOTS 1 AND 2 AND ALL OF LOTS 3-6, BLOCK 8, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.070 PARKING REDUCTION AND 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: 3607 RIVERA AVENUE. PROPERTY OWNERS: PROJECT VIDA COMMUNITY DEVELOPMENT CORPORATION. ZON10-00035**

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

Representative Acosta commented.

Motion duly made by Mayor Pro Tempore Acosta, 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, 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**.

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ITEMS 10C & 10D TAKEN TOGETHER

10C

ORDINANCE 17372

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CROSBY STREET (70' RIGHT-OF-WAY), FRONTING LOT 11, BLOCK 48, LOT 10 AND LOT 11, BLOCK 49, LOT 1 AND LOT 20, BLOCK 53, LOT 20, BLOCK 54, ALEXANDER ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. (SUB10-00067)**

Representative O'Rourke commented.

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

AYES: Representatives Lilly, Byrd, 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 AS REVISED**.

.....
ITEMS 10C & 10D TAKEN TOGETHER

10D.

ORDINANCE 17373

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF RANDOLPH DRIVE, ALEXANDER ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. APPLICANT: UNIVERSITY OF TEXAS AT EL PASO. SUB08-00161**

Representative O'Rourke commented.

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

AYES: Representatives Lilly, Byrd, 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 AS REVISED**.

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10E

ORDINANCE 17374

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOT 1, BLOCK 1, MONTECILLO UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-**

3/C (COMMERCIAL/CONDITIONS) AND C-3 (COMMERCIAL) TO G-MU/C (GENERAL MIXED USE/CONDITIONS) AND G-MU (GENERAL MIXED USE); AND, PARCEL 2: LOT 1, BLOCK 2, MONTECILLO UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3/C (COMMERCIAL/CONDITIONS) TO G-MU/C (GENERAL MIXED USE/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: MONTECILLO BOULEVARD AND MESA STREET. PROPERTY OWNERS: EPT THE VENUE AT MONTECILLO APARTMENTS, LLC AND CAPITAL BANK SSB. ZON10-00020

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

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

The following members of the public commented:

- 1. Ms. Heather McMurray
- 2. Mr. Conrad Conde, representing the applicant

Motion duly made by Representative Lilly, seconded by Representative Quintana, 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, Acosta, Robinson, Quintana, Holguin, and Ortega
NAYS: None
ABSTAIN: Representative O'Rourke

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

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11. OFFICE OF MANAGEMENT AND BUDGET

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

Representative Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Ms. Lisa Turner and Ms. Patricia McLean, citizens, commented.

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The City Council Meeting **RECESSED** at 12:34 p.m. and **RECONVENED** at 1:32 p.m.

12.

RESOLUTION

That the Mayor be authorized to sign the El Paso Criminal Justice Mental Health Jail Diversion Collaboration with other local entities.

Ms. Leila Melendez, Executive Assistant to the City Manager, commented.

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

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13.

RESOLUTION

That City Council's approval by resolution dated June 29, 2010 of Empowerment Zone Revolving Loan Fund Small business Loan application and loan amount to Perspectiva Group, Inc. and 211 Florence, LP, as co-borrowers, be reduced to \$350,000.00 with loan proceeds to be limited to use for equipment acquisition, property rehabilitation and improvements and moving expenses, and among other collateral, to be secured by a third lien against the property located at 211 Florence, El Paso, Texas, as an exception to the program's loan-to-value analysis and loan securitization requirements, as recommended by the Director of Economic Development.

Mayor Cook commented.

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

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

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ITEMS TAKEN TOGETHER

14A. DEVELOPMENT SERVICES

Motion made by Representative Lilly, seconded by Representative Robinson, and carried to **DIRECT AS AMENDED** 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, specifically, to look at potential incentives that we can use to incent Smart Code, if Smart Code is used;(1) to confirm re-vegetation requirement as a condition of the zoning, (2) to confirm that if the property owners do not take care of the Street trees landscaping, that TXDOT will guarantee that they will take care of the landscaping; (3) that the Public Service Board land would be rezoned to NOS; and (4) to request from the property owners, an additional 10 feet right of way between the frontage road and the hike – bike trail to separate those vulnerable road users.

14B. DEVELOPMENT SERVICES

Motion made by Representative Lilly, seconded by Representative Robinson, and carried to **DIRECT** the City Manager to initiate a map revision for the properties currently zoned C3/C, C4/SC, C4/C, C4/C/SC, and C4/C/SC/SP designated Mountain Development Area (MDA) in Title 19 (Subdivisions) abutting Loop 375/Trans-Mountain North of Interstate 10 Road located between Highway 54 and Interstate 10.

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

NAYS: Representative Byrd and Holguin

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

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

The following City staff members commented:

- 1. Mr. Alan Shubert, City Engineer
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Mr. Rudy Gomez, El Paso Water Utilities
- 4. Ms. Kathryn Dodson, Director of Economic Development

The following members of the public commented:

- 1. Mr. Chuck Berry, TXDOT
- 2. Mr. Jack T. Chapman, Kemp, Smith Law Firm, representing Hunt Communities
- 3. Mr. Charlie Wakeem, presented a PowerPoint presentation (on file in the City Clerk's office).
- 4. Mr. Matt Carroll
- 5. Mr. Patrick Woods, Desert Woods Homes
- 6. Mr. Bill Addington, El Paso Sierra Club
- 7. Ms. Lisa Turner
- 8. Ms. Heather McMurray, Sunland Park Grassroots Association
- 9. Mr. Oscar Padilla, Chamber of Commerce
- 10. Mr. Lynn Fitzgerald

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14C. DEVELOPMENT SERVICES

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager to begin any necessary applications to secure consent from the Army Corps of Engineers (USACE) and the Office of the Secretary of the Interior to construct a bridge to cross the existing Northgate Outlet Channel to provide access to Lot 2, Block 6, Castner Range Unit 1 North of Diana Drive and East of Kenworthy Street to support a proposed rezoning to A-O and any resultant traffic.

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

Representative Robinson commented.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Bill Addington, El Paso Sierra Club, commented.

..... **15.**

ENGINEERING

Motion made by Representative Robinson, seconded by Representative Ortega, and carried to **APPROVE AS REVISED** Chapter 5, to the Neighborhood Traffic Management Program (NTMP) policy. Chapter 5 provides guidelines for the placement and installation of speed humps, cushions and tables; and provides a procedure for the removal of traffic calming measures under certain circumstance, with the requirement that the residents would be responsible for the removal costs as well as the initial installation costs, if the petition from the residents is received within one year of installation of the traffic calming measure.

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

NAYS: Representative O'Rourke

Ms. Kimberly Forsyth, Engineering Senior Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Robinson, Acosta, and Quintana commented.

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ITEMS TAKEN TOGETHER BUT VOTED SEPARATELY

16A.

RESOLUTION

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to rename the Park located at 4325 River Bend Dr., El Paso, Texas, more specifically known as Marwood Park, City of El Paso, El Paso County, Texas, to the **BRADEN ABOUD PARK**.

Representatives Robinson, Quintana, Lilly, Ortega, O'Rourke, and Acosta commented.

Ms. Joyce Wilson, City Manager, and Nanette Smejkal, Director of Parks and Recreation, commented.

The following members of the public commented:

- 1. Ms. Kelsey Shinaut
- 2. Ms. Mary Jane Windle
- 3. Mr. Steve Haskins

MOVE TO THE FOREFRONT before Item 9 on Regular.

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

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16B.

RESOLUTION

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to rename the Recreation Center located at 7400 High Ridge, El Paso, Texas, more specifically known as the Westside Recreation Center, City of El Paso, El Paso County, Texas, to the **DON HASKINS RECREATION CENTER**.

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

THAT the recreation center located at 7400 High Ridge, El Paso, Texas, more specifically known as the Westside Recreation Center, City of El Paso, El Paso County, Texas, shall henceforth be named and known as the **DON HASKINS RECREATION CENTER**; and,

THAT Efren Ortega III is the person requesting this specific name and shall incur the customary costs associated with the renaming of the Recreation Center, such as installing or replacing signs with the new name or any other signs posted or affixed for a facility. Any proposed signs shall be acceptable to both the Parks and Recreation Department and the individual(s) or group making the request. (District 1)

Mayor Cook and Representative Lilly commented.

The following members of the public commented:

- 1. Mr. Efren Ortega

- 2. Mr. Steve Haskins
- 3. Ms. Mary Haskins

MOVE TO THE FOREFRONT before Item 9 on Regular.

1st MOTION

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

2ND AND FINAL MOTION

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

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16C.

RESOLUTION

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

WHEREAS, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

WHEREAS, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

WHEREAS, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

WHEREAS, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Shamori Whitt, Open Space, Trails, and Parks Coordinator, commented.

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

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17A. CITY MANAGER:

Presentation of the El Paso Firemen & Policemen’s Pension Fund December 31, 2009 Actuarial Valuation and 2009 Investment Performance Review.

Mr. Rick Buck, consultant, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Acosta and O’Rourke.

The following City staff members commented:

- 1. Assistant Fire Chief Michael Calderazzo
- 2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

Mr. Eric Ralph, Summit Strategies Group, commented.

NO ACTION was taken on this item.

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17B. CITY MANAGER:

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Ortega, and carried to **CHANGE** the duration of building vacancy to trigger registration requirement for Commercial Buildings to three years.

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

NAYS: Representative Byrd

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **APPROVE** staff recommendations on the final policy for establishing requirements, procedures and fees to administer a new program under a Proposed Chapter 18.40 (Vacant Buildings), Title 18 (Building and Construction), of the El Paso City Code; for amending Chapter 18.50 (Property Maintenance Code) of the El Paso City Code to provide for local amendments; and for amending Chapter 2.38 (Building and Standards Commission) of the El Paso City Code to allow appeals of the Proposed Vacant Building Registration and Requirements by the Commission.

Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Acosta, Byrd, Holguin, Ortega and Robinson, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Fire Chief Michael Calderazzo
3. Mr. Victor Morrison-Vega
4. Ms. Kathryn Dodson, Director of Economic Development

The following members of the public commented:

1. Mr. Dan Olivas, Dan Olivas and Associates
2. Mr. Jorge Almada, Central Neighborhood Association
3. Mr. Osvaldo Velez, Southside Neighborhood Association
4. Mr. Michael Breitingner, Central Business Association

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17C1. – 17C3. INTRODUCTIONS

Motion made by Representative Quintana, seconded by Representative Byrd, 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:

- 17C1.** An Ordinance amending Title 18 (Building and Construction), to add Chapter 18.40 (Vacant Buildings), of the El Paso City Code, to provide requirements, procedures and fees for the registration and inspection of vacant buildings in the City; to define terms; to provide defenses, an appeal process, and insurance requirements; to provide for the revocation of a certificate of occupancy; to require emergency information signage on vacant buildings; to provide a severability clause; and to create a penalty, the penalty being as provided in Section 18.40.130 (Penalty) of the El Paso City Code.
- 17C2.** An Ordinance adopting the 2009 Edition of the International Property Maintenance Code and amending Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code), of the El Paso City Code, to provide for local amendments to the 2009 International Property Maintenance Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.
- 17C3.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.38 (Building and Standards Commission), of the El Paso City Code, to revise the powers of the Commission to hear appeals filed pursuant to Chapter 18.40 of the City Code relating to Vacant Building Registration and Requirements.

PUBLIC HEARING WILL BE HELD ON AUGUST 24, 2010, FOR ITEMS 17C1 – 17C3

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ADDITION TO THE AGENDA

1A. STREETS

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution authorizing the Purchasing Manager to notify H. Repair Solutions, Inc., of El Paso, Texas, that the City is terminating Contract No. 2010-152 for default pursuant to the provisions and requirements of Section 8B of the Contract Clauses due to contractor's failure to provide services at the bid price offered and that the termination shall be effective as of August 17, 2010.

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1B. STREETS

*Motion made, seconded, and unanimously carried to **POSTPONE** one week on the award of Solicitation No. 2010-237 (Herbicide Spraying) to Evergreen Lawn Service for a two year initial term estimated award of \$723,934.82. Total estimated award for the four year award is \$1,447,869.64.

Department:	Street
Award to:	Evergreen Lawn Service El Paso, TX
Items:	All
Initial Term:	2 Years
Option to Extend:	2 Years
Payment Terms:	2%10N30
Annual Estimated Amount:	\$361,967.41
Initial Term Estimated Award:	\$723,934.82 (2 years)
Funding Source:	Government Operations – Groundkeeping Contracts
Total Estimated Award:	\$1,447,869.64 (4 years)

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

Financial Services - Purchasing Division and Street Department recommend award as indicated to Evergreen Lawn Service, the bidder offering the best value bid.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 5:15 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk