

**JOHN F. COOK**  
MAYOR



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

**JOYCE WILSON**  
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 21, 2007  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:41 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro and Eddie Holguin, Jr. at 8:42 a.m. during Executive Session deliberations. Absent: Ann Morgan Lilly requested to be excused. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

**FIESTA DE LAS FLORES**

Ms. Barbara Divis, daughter of former Council member E.W. Joe Divis, was presented a Proclamation and sang the Star Spangled Banner.

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Esther Perez
3. Mr. Jesus Luna
4. Ms. Lisa Turner

Mayor Cook commented.

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

Motion made by Representative O'Rourke, seconded by Representative Quintana, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE:   Representatives Castro and Holguin

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to adjourn the Executive Session at 9:01 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.**   Claim of Armando Montanez, Our File No. 07-C-093/Police. (551.071)

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimants' settlement demand in the claim of Armando Montanez, Our File No. 07-C-093.

AYES: Representatives Byrd, Lozano, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None  
ABSTAIN:    Representative Castro

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**EX2.**   Workers' Compensation subrogation interest regarding Kenny Huynh. (551.071).

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the City **SETTLE** its workers' compensation subrogation interest in the claim of Kenny Huynh, as recommended by the City Attorney, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

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**ADDTION**

**EX1.**   Application of El Paso Electric Co. for Certificate of Convenience and Necessity for Combined Cycle Generation Station - Newman 5, before the Public Utilities Commission of Texas, SOAH Docket No. 473-07-3572, Docket No. 34494

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

Mr. Norman Gordon, outside counsel, commented.

Mr. Richard Schecter, Ms. Lisa Turner, and Mr. Ray Gilbert, citizens, commented.

Motion made by Mayor Pro Tempore Lozano, seconded by Byrd, and unanimously carried to grant the authority to the City Attorney to **FILE A MOTION** in Intervention on behalf of the City for the Certificate of Convenience and Necessity for Combined Cycle Generation Station – Newman 5 before the Public Utility

Commission of Texas Petition of El Paso Electric Company, Docket No. 34494, SOAH Docket No. 473-07-3572.

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

AYES: Representatives Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 14, 2007, and the Special City Council Meeting Minutes of August 13, 2007 (Joint Meeting with County Commissioners Court).

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**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS**

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of August 21, 2007.

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**3A.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Alberto Cipriano and Julia G. Cipriano for the purchase of

1575 square feet, more or less, being the southerly 15 feet of Lot 8, Block 17, Franklin Hills, Unit Two, El Paso, El Paso County, Texas, also known as 6398 Franklin Summit,

to be acquired for a Storm 2006 Project known as the Franklin Summit Drainage Improvements, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

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**3B.**

**\*RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2006-066 to Ledesma's (Item II), on May 9, 2006, for Ground Maintenance of City Medians; and

**WHEREAS**, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C 8A of the Contract (Cancellation for Convenience), the City is authorized to terminate the Contract for convenience; and

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

That the Purchasing Manager is authorized to notify Ledesma's, that the City is terminating Contract No. 2006-066 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of August 21<sup>st</sup> 2007.

Mayor Cook and Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Daryl Cole, Director of Streets, commented.

Ms. Lisa Turner, citizen, commented.

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**3C.**

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

**WHEREAS**, the City of El Paso (the "City") pursuant to the authority granted in the State of Texas Statutes Government Code, Title 7, Chapter 791 Interlocal Cooperation Contracts, Subchapter B and Subchapter C, and Local Government Code, Title 8, Chapter 271, Subchapter F. Section 271.101 and Section 271.102 desires to participate in the Texas Association of School Boards, Inc. (TASB, Inc.) Purchasing Cooperative BuyBoard. The purpose of this cooperative is to obtain substantial savings for member school districts and public entities through volume purchasing.

**WHEREAS**, the City desires to participate for the purpose of fulfilling and executing its respective governmental purposes, goals objectives, programs and functions;

**WHEREAS**, the City seeks to utilize the contracts offered through the TASB, Inc. BuyBoard;

**WHEREAS**, the City has reviewed the benefits of participating in this program and based on this review has concluded that the program will benefit City of El Paso taxpayers through anticipated procurement savings; and

**WHEREAS**, the City desires to participate in the Texas Association of School Boards, Inc. BuyBoard.

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

That the city is hereby authorized to participate in the Texas Association of School Boards, Inc. Purchasing Cooperative BuyBoard and to sign the Interlocal Agreement and Nonprofit Subscriber Agreement.

Mayor Cook and Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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**3D. RESOLUTION**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the Resolution that the Mayor be authorized to sign an interlocal agreement between the City of El Paso and Texas Tech University Health Sciences Center granting the use of a city vehicle by the El Paso Emergency Medical Service System (EMSS) Medical Director to perform the duties of his position including response and on-scene medical oversight.

Assistant Fire Chief Donald Marron commented.

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**3E.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign a lease agreement by and between the City of El Paso and the United States Department of the Army, Fort Bliss Military Installation, Biggs Army Airfield, Texas, to lease military reservation property for public and recreational purposes, specifically for the construction and maintenance of a soccer complex.

Mayor Cook and Representatives Quintana, Lozano, Castro, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, commented, and Ms. Sylvia Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.

Mr. Ray Gilbert, citizen, commented.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Jane Ratcliff to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Melina Castro, District 4.

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**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and carried to **RE-APPOINT** Miguel Grijalva to Community Development Steering Committee by Representative Steve Ortega, District 7.

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**4C. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and carried to **RE-APPOINT** Margie Aguilar-Desrosiers to Building & Standards Commission by Representative Steve Ortega, District 7.

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**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Hugo A. Gardea to the Historic Landmark Commission by Representative Eddie Holguin, Jr., District 6.

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**ITEMS TAKEN TOGETHER:**

**5B. BOARD APPOINTMENT**

Fernando Chacon, Jr. to the Civil Service Commission by Representative Eddie Holguin, Jr., District 6.

**5C. BOARD APPOINTMENT**

Raymundo Rodriguez to the Civil Service Commission by Representative Susie Byrd, District 2.

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

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

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **POSTPONE** the appointments for one week.

AYES: Representatives Byrd, Lozano, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

**3<sup>RD</sup> MOTION**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Holguin, and unanimously carried to **RECONSIDER** the appointments.

**4<sup>TH</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **APPOINT** Fernando Chacon, Jr. to the Civil Service Commission by Representative Eddie Holguin, Jr., District 6.

Representative O'Rourke was not present for the vote.

**5<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **DELETE** the appointment of Raymundo Rodriguez to the Civil Service Commission by Representative Susie Byrd, District 2.

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**6. APPLICATIONS FOR TAX REFUND**

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

- A. National City Mortgage in the amount of \$3,870.50 overpayment of 2006 taxes. (PID #C340-999-1330-1000).
- B. Sierra Title Company in the amount of \$4,580.42 overpayment of 2006 taxes. (PID #F524-999-0050-1300)
- C. Gabriela Munoz in the amount of \$4,863.11 overpayment of 2006 taxes. (PID #S380-999-0040-7870).

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**7. DEVELOPMENT AND INFRASTRUCTURE SERVICES**

\*Motion made by, seconded, and unanimously carried to **APPROVE** Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Saipan & Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

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**8A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Texas Cable Partners LP d/b/a Time Warner Cable, the sole source under Local Government Code Section 252.022 7C, (other utility services) and the current provider of service of government access programming to the City of El Paso on cable channel 15 as mandated by Senate Bill 5. This will allow

the successful transition for government access programming to the City of El Paso. Billing will be done on a month to month basis at a rate of \$6,700.00 per month until completion of the transition period.

Department: Information Services  
Total Estimated Amount: \$46,900 (7 months)  
Account No.: 39010351 – 01101 - 502205  
Funding Source: Information Services, Operating Account,  
Outside Contract NOC  
Reference No.: 2007-244

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Gerald Gordier, Chief Information Officer and Director of Information Technology
3. Ms. Juliet Lozano, Communications and Public Affairs Manager
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Lisa Turner and Mr. Ray Gilbert, citizens, commented.

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

\*Motion made, seconded, and unanimously carried to **APPROVE** the item.

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**8B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue Purchase Order(s) to AutoVu Technologies, Inc., the sole source manufacturer and the sole provider of the AutoPatrol Law Enforcement License Plate Recognition Unit and its associated software, in the amount of \$50,800.

Department: Police  
Total Amount: \$50,800  
Account No.: 508007-05918-21150002-G210702 (\$30,000.00)  
508010-16371-21150060-P500231 (\$20,800.00)  
Funding Source: Auto Theft Prevention Authority Grant FY2007 and  
Federal Confiscated Funds  
Sole Source No.: 2007-246

**8C. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

Motion made, seconded, and unanimously carried to **POSTPONE** for one week the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend Contract 2004-021R (Public Officials Errors & Omissions Liability Insurance) which was awarded on February 3, 2004, to the vendor listed below, for one (1) additional year, from September 1, 2007, through August 31, 2008.

Department: OMB/Insurance & Benefits  
Award to: Rogers & Belding Insurance Agency, Inc.  
El Paso, Texas  
Option No.: One of Two  
Account No.: 99010273 – 01101 - 504402  
Funding Source: OMB/Insurance & Benefits, Operating Account,  
General Liability Insurance Ex  
Estimated Annual Amount: \$295,183

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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**9. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-211 (Auto Brake Shoes, Pads & Hardware) to Main Auto Parts for a total estimated award of \$210,000.

Department: General Services- Fleet Division  
Award to: Main Auto Parts  
El Paso, Texas  
Item(s): #1 to #5  
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within three years from the date of the award. Vendor also offers the City a prompt payment discount of 2% ten (10) days.  
Annual Estimated Amount: \$70,000  
Account No.: 37370510 – 503121 - 45202  
Funding Source: General Services Department, Fleet Services Internal Service Fund  
Total Estimated Award: \$210,000

This is a requirements type contract with an initial term of thirty six (36) months.

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

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**10. BUDGET TRANSFERS**

\*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2007-1249 - El Paso Convention & Performing Arts Center.

Budget transfer is to cover unanticipated increases in electricity needs for FY 2007 and to reflect the additional revenue earned by the Convention Center, which will offset existing expenditures.

Increase      \$169,108      Fund Balance Transfer

Increase	\$169,108	Electricity
Increase	\$100,000	Facility Rentals Revenue
Increase	\$100,000	Management Consulting Services

Mayor Cook and Representative Quintana commented.

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

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**11A. – 11D. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Lozano, 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:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph H (No Parking 7:00 a.m. to 5:00 p.m.) of the El Paso City Code, to add a new location of Commerce Avenue between Humble Place and Hawkins Boulevard, both sides. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code; and amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to delete Paragraph 138. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- B. An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend the Classification and Compensation Plan in its entirety.

**PUBLIC HEARING WILL BE HELD ON AUGUST 28, 2007, FOR ITEMS A –B**

- C. An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute Special Warranty Deeds or other documents as required for the phased sale and conveyance as recommended by the President/CEO of El Paso Water Utilities of the following described real property to Hunt Communities, LLC, the highest bidder, such land totaling approximately 4,832.99 acres of land out of portions of Sections 17, 18, 19, and 20, Block 80, Township 1, and Sections 13, 14, 18, 19, 20, and 23, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso.

Representative Castro commented.

Ms. Richarda Momsen, City Clerk, read revisions into the record, and Mr. Charlie McNabb, City Attorney, gave legal advice.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 4, 2007, FOR ITEMS C**

- D. An Ordinance changing the zoning of Tract 1C, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 11, 2007, FOR ITEMS D**

Representative O'Rourke was not present for the vote.

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**12. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend Contract 2004-088R (800 MHz Trunked Simulcast Radio System/800 MHz Conventional System Fixed Equipment Maintenance) which was awarded on August 29, 2006, to the vendor listed below, for one (1) additional year, from September 1, 2007, through August 31, 2008.

Department: Information Technology  
Award to: Motorola, Inc.  
Albuquerque, NM  
Option No.: Two of Five  
Account No.: 39010352 – 01101 - 502229  
Funding Source: Information Services Operating Account,  
Office Equipment Maintenance Contracts  
Annual Total: \$641,828.52

Representative O'Rourke was not present for the vote.

Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, and Assistant Fire Chief Donald Marron commented.

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**13A.**

**ORDINANCE 16722**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: A PORTION OF TRACT 1, BLOCK C, CHRISTY TRACT, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-4 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

AYES: Representatives Byrd, Lozano, Castro, Quintana, Holguin, and Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative O'Rourke  
ABSENT: Representative Lilly

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.  
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13B.

ORDINANCE 16723

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF THE DAM SITE AND DRAINAGE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF CLAUSSEN CANYON, CITY OF EL PASO, EL PASO COUNTY, TEXAS. LOCATION: NORTHEAST LOCATION FROM THE INTERSECTION OF LOST PADRE MINE DRIVE AND CAMINO ALTO DRIVE, A PORTION OF CLAUSSEN CANYON DAM SITE AND DRAINAGE RIGHT-OF-WAY.**

Representatives Lozano, Ortega, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kelly Carpenter, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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

NAYS: Representative Ortega

ABSENT: Representative Lilly

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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13C.

ORDINANCE 16724

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5, EL PASO CITY CODE (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.24 (CHARITABLE SOLICITATIONS), BY AMENDING SECTION 5.24.010 (DEFINITIONS) IN ITS ENTIRETY, BY DELETING SECTION 5.24.020 (CHARITABLE SOLICITATIONS COMMISSION) IN ITS ENTIRETY AND AMENDING SECTION 5.24.150 (DENIAL OF A PERMIT) TO ALLOW FOR AN ADMINISTRATIVE APPEALS PROCESS. THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE CITY CODE.**

Representative Byrd comment.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kelly Carpenter, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Mr. Alan Shubert, Director of Development Services

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

AYES: Representatives Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Byrd  
ABSENT: Representative Lilly

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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**13D.**

**ORDINANCE 16725**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING ALL OF A 15-FOOT WIDE ALLEY (0.0413 ACRES OF LAND) EAST OF LOT 7, BLOCK 8, HOME IMPROVEMENT CO. SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Representative Byrd commented.

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

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

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

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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**14A.**

**ORDINANCE 16726**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 6, CERTIFICATION; RULE 7, PROVISIONAL AND TEMPORARY APPOINTMENTS; RULE 8, APPLICATIONS; RULE 9, EXAMINATION, MARKING, AND RATING; RULE 10, ORIGINAL ENTRANCE EXAMINATION; RULE 11, PROMOTIONAL PROCESS; RULE 12, ELIGIBLE LISTS; RULE 13, LEAVE OF ABSENCE, RESIGNATION, SICK LEAVE, AND VACATIONS; RULE 14, EFFICIENCY RATINGS; RULE 26, PERMANENT PART-TIME EMPLOYEES.**

Mayor Cook commented.

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

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

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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**14B.**

**ORDINANCE 16727**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING AUTHORITY TO THE CITY MANAGER OR THE DEPARTMENT HEAD TO ENTER INTO AND SIGN CERTAIN PERSONAL AND PROFESSIONAL SERVICE CONTRACTS, AND ALL EMPLOYMENT AND VOLUNTEER SERVICE CONTRACTS ON BEHALF OF THE CITY AND TO REPEAL ORDINANCE NO. 16072 PERTAINING TO THE SAME SUBJECT.**

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

Ms. Joyce Wilson, City Manager, commented, and Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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

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

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

NAYS: Representatives Castro and Quintana

ABSENT: Representative Lilly

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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Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 11:08 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **RECONVENE** the City Council Meeting at 11:11 a.m.

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**15A. PUBLIC HEARING – OFFICE OF MANAGEMENT AND BUDGET**

Second public hearing on the City of El Paso's proposed property tax rate increase.

Representatives Byrd, Lozano, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Almonte, Director of Office of Management and Budget
3. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer
4. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Lisa Turner
3. Mr. Joseph O'Connor
4. Mr. Oscar Barreda
5. Mr. Ray Gilbert

**1<sup>ST</sup> MOTION**

Motion made by Representative Holguin and seconded by Representative Castro to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert to address the Council for an additional five minutes. **THE MOTION FAILED.**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative O'Rourke, and carried to **CLOSE** the second public hearing on the City of El Paso's proposed property tax rate increase.

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

.....  
**15B. PUBLIC HEARING – OFFICE OF MANAGEMENT AND BUDGET**

Public hearing on the proposed budget for the City of El Paso for fiscal year 2008.

Representatives Byrd, Lozano, Holguin, Castro, Quintana, and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Ray Gilbert
3. Ms. Laura Martinez
4. Mr. Richard Schecter

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **CLOSE** the Public hearing on the proposed budget for the City of El Paso for fiscal year 2008.  
 .....

16.

## RESOLUTION

**WHEREAS**, on July 2, 2007, the City Manager of the City of El Paso filed the Fiscal Year 2008 Proposed Budget of the City of El Paso with the City Clerk; and

**WHEREAS**, the Proposed Budget was made available for the inspection by any taxpayer in accordance with Section 102.005 of the Texas Local Government Code; and

**WHEREAS**, on August 10, 2007, the City Clerk published notice in the El Paso Times, a newspaper of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso Fiscal Year 2008 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

**WHEREAS**, a public hearing was held on August 21, 2007, by the City Council regarding the City of El Paso's Proposed Budget at which all citizens had the opportunity to participate.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 2, 2007, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2008, which begins on September 1, 2007 and ends on August 31, 2008.

2. That any balance in the General Fund on August 31, 2007 shall first be allocated to restore the reserve for claims in an amount equal to One Million Dollars (\$1,000,000). The City Manager is hereby authorized to appropriate the reserve amount as part of City Attorney's appropriation for external legal counsel and claims.

3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the Office of Management and Budget (*OMB*) Director by November 15, 2007, with a financial report showing all appropriations for Fiscal Year 2008 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.

4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City's expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.

5. That Department Heads are hereby authorized to make budget transfers not to exceed Twenty-Five Thousand Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or for impacting revenue accounts requires the approval of the City Manager or his/her designee.

6. That the City Manager or his/her designee is hereby authorized to make budget transfers not exceeding Twenty-Five Thousand Dollars (\$25,000) between departments and funds. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) between departments or between funds shall require City Council approval.

7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.

8. That the City Manager is hereby authorized to establish the budget for any capital projects that are approved by the City Council.

9. That any budget transfer submitted to City Council shall be accompanied by an explanation from the department, approval by OMB, and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide sufficient detail for the members of City Council to determine the need for the transfer.

10. That the City Manager or his/her designee is hereby authorized to establish budgets and staffing table changes for grants and similar awards when the applications for such grants and awards have been previously approved by the City Council or the City Manager. All grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed grants and capital projects.

11. That the City Manager or his/her designee is hereby authorized to appropriate funds associated with donations made to the City under the amount of Twenty-five Thousand Dollars (\$25,000.00).

12. That a claims committee shall be created consisting of the City Attorney or his/her designee, a Deputy City Manager and the Risk Manager for OMB, who shall have the authority to authorize the settlement of claims in accordance with the authority separately granted by the City Council. The settlement of all other claims shall require City Council approval.

13. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.

14. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer before the closing of the Fiscal Year, and in accordance with procedures established by the OMB Director or his/her designee.

15. That merit increases will not exceed 15% of a department's permanent workforce, excluding employees in the Executive Compensation Plan, during the Fiscal Year. The amounts of the annual competency and/or merit increases for employees in the Civil Service for Fiscal Year 2008 are set as follows:

- (i) Employee's annual competency increase is that amount that will place the employee in the rate within their pay grade that most closely approximates a two percent (2%) increase;
- (ii) The amount of merit increase for eligible employees is that amount that will place the employee in the rate within their pay grade that most closely approximates a one and one half percent (1.5%) increase.

16. That the current annual amount of longevity pay due non-uniformed employees who qualify will be added to their base pay; provided, however, that in the event that such additional pay will result in a salary that exceeds the maximum of an employee's salary range, any amount that would exceed the salary range shall

be paid to the employee annually, in a lump sum. Subject to the above proviso concerning the maximum of an employee's salary range, an amount that most closely approximates a one percent (1%) increase will be added to the base pay of each employee, other than employees covered under collective bargaining agreements, on the anniversary date of every five (5) years of service accrued by an employee.

17. That all merit increases and annual competency increases and increases based on five (5) year increments of service, are subject to the availability of funds, and shall be expended as determined or authorized by the City Manager or his/her designee, except for such increases that are otherwise determined and provided for in an employment contract.

18. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such Policy may be amended as deemed necessary by the City Manager.

19. That the services paid from the postage/copy center and fleet services sub funds shall be financed and accounted for utilizing an internal service fund basis with sufficient charges from departments to cover all direct costs.

20. That the hotel occupancy taxes collected by the City shall be used by the Greater El Paso Convention & Performing Arts Center and the Department of Museums and Cultural Affairs to fund their respective operations and in accordance with El Paso City Code and State law. The functions of the Plaza Theater and McKelligon Canyon shall be included with the functions of the Greater El Paso Convention and Performing Arts Center. Expenditures from said fund shall be made in accordance with their respective adopted budgets.

21. That any travel expenditure for a City Council member that exceeds the FY 2008 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.

22. That City Council members must notify the Director of OMB of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts.

23. That the City Manager is hereby authorized to approve the installation of residential street lights and the expenditures for the power and maintenance related thereto, including street lights paid by the people requesting the installation or which are paid for by using district discretionary funds, pursuant to the resolution of the City Council dated September 20, 1994.

24. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.

25. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.

26. That employee positions funded by the FY 2008 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized employee positions for each department. Requests for changes and additions shall be approved by the City Manager and Office of Management & Budget and shall show the impact on the FY 2008 Budget and the estimated impact on expenditures for Fiscal Year 2009.

27. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2008 Budget, shall be funded until the earlier of October 16, 2007 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

28. That the compensation of Municipal Judges and substitute Associate Municipal Judges shall continue at the current level.

29. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations or capital acquisition appropriations between departments within the General Fund, whether it is non-uniformed or uniformed salary expense or capital expense, as necessary prior to closing the Fiscal Year 2008.

30. That the cash balance of the Bridge Fund shall be transferred on a monthly basis to the General Fund, except for Seventy Five Thousand Dollars \$75,000 (\$25,000 Unreserved Balance and \$50,000 Reserve for Maintenance) and any required cash, which must be maintained pursuant any bridge revenue bond covenants.

31. That all appropriations in the General Fund associated with outstanding purchase orders shall lapse at the end of Fiscal Year 2008, unless reviewed and approved not to lapse by the OMB director.

32. That within forty-five (45) days after the end of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and year-end projection of the budget.

33. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.

34. That the annual parking meter revenue in account number 404020 (Parking Meter Revenue) shall be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund, Fund number 20100, Department ID 99335008.

35. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines, and other charges.

36. That any balance in the General Fund as of August 31, 2007 may be allocated to a vehicle replacement fund in an amount not to exceed Three Million Dollars (\$3,000,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of the vehicle replacement fund for the purchase of new or replacement vehicles.

37. That any balance in the General Fund as of August 31, 2007 may be allocated to a reserve for building repair in an amount not to exceed One Million Dollars (\$1,000,000). The City Manager is hereby authorized to appropriate the reserve amount as part of the General Services Department appropriation for contract service.

38. That the fee established by Section 9.04.400 C of the City Code, (referenced as the environmental fee) for residential users is hereby established at \$1.50 per month and the fee for commercial users is hereby established at \$10.00 per month commencing on September 1, 2007.

39. That appropriation control for expenditures shall be at the Object Level.

40. That Schedule A amends revenues and appropriations to the City Manager's filed budget; Schedule B amends staffing tables to the City Manager's filed budget; and Schedule C sets forth fees, and the methodology for calculating certain fees, that are to be charged by the City for goods and services it provides. Any revisions or additions to the fee schedule shall be approved by simple resolution of the City Council.

41. That the City Council approves and adopts the creation of new tour and copyright use fees for the El Paso Museum of Art, and new facility rental and membership for the El Paso Museum of History and the El Paso Museum of Archaeology at Wilderness Park, as set forth in Schedule C, and directs the City Manager or his/her designee to create administrative Facility Rental Policies for the Museums of History and Archaeology to include, as appropriate, the provisions in paragraphs 1, 3, 4, 5 and 6 of the El Paso Museum of Art Facility Rental Policy approved by the City Council on October 3, 2006. It is specifically intended that this authorization shall be in force and effect, and shall survive the applicable period of this Budget Resolution, until such time as the Council shall amend, revise, or terminate this authorization by simple resolution of the City Council, or revise or eliminate any fees in any future Budget Resolution.

42. That the funds allocated to the City County Health and Environmental District shall be spent in conformity with the budgeting, purchasing, and accounting policies and procedures of the City of El Paso. Upon any dissolution of the City-County Health and Environmental District, all funds allocated to the District shall automatically transfer to the City Health Department or be applied to such similar functions as determined by the City Manager, and the City Manager or his/her designee is authorized, consistent with State law and the Charter, to approve all necessary documents to effectuate the transition to a City Health Department.

43. That the funding in the amount of \$750,000.00, as requested by the Director of the Information Technology Department for the fourth payment-Oct 2007 under the IBM Installment Payment Master Agreement, is hereby non-appropriated.

44. That OMB shall immediately file, or cause to be filed a true copy of the FY 2008 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Almonte, Director of Office of Managmen
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Carol Brey-Casiano, Director of Libraries

**1<sup>ST</sup> MOTION**

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **APPROVE** the Resolution with the amendment read into the record by Mr. David Almonte, Director of Office of Management and Budget, regarding the Revenue Environmental Service Fee 403145, Trash Collection Services, to add the word "monthly".

AYES: Representatives Byrd, Lozano, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

ABSENT: Representative Lilly

**2<sup>ND</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item.

**3<sup>RD</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Quintana, and carried to **ELIMINATE** funding for Project Arriba.

AYES: Representatives Lozano, Castro, Quintana, and Holguin

NAYS: Representatives Byrd, Ortega, and O'Rourke

**4<sup>TH</sup> MOTION**

Motion made by Representative Quintana, seconded by Representative Holguin, and carried to **REDUCE** funding for new library books to \$500,000.

AYES: Representatives Lozano, Castro, Quintana, and Holguin

NAYS: Representatives Byrd, Ortega, and O'Rourke

**5<sup>TH</sup> MOTION**

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **RECONSIDER** reduced funding for new library books.

**6<sup>TH</sup> MOTION**

Motion made by Representative Quintana and seconded by Representative Holguin to **REDUCE** funding for library books to \$500,000. **THE MOTION FAILED.**

AYES: Representatives Castro, Quintana, and Holguin

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

**7<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried to **RECONSIDER** the elimination of the Project Arriba funding.

**8<sup>TH</sup> MOTION**

Motion made by Representative Castro and seconded by Representative Quintana to **POSTPONE** for one week. **THE MOTION FAILED.**

AYES: Representatives Byrd, Lozano, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

ABSENT: Representative Lilly

**9<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried to **APPROVE** the Resolution adopting the budget amendment read into the record by Mr. David Almonte, Director of Office of Management and Budget, regarding the Revenue Environmental Service Fee 403145, Trash Collection Services, to add the word "monthly".

AYES: Representatives Byrd, Lozano, Ortega, and O'Rourke

NAYS: Representatives Castro, Quintana, and Holguin

ABSENT: Representative Lilly

.....  
**17A. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DIRECT** staff to develop an interlocal agreement and program that would enable the City to sell "struck off" properties at a minimal price in order to create more affordable housing options for El Pasoans.

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

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

Ms. Carmen Perez, Delgado & Acosta, commented.

.....  
**17B. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **DELETE** the item on discussion and action regarding the wording used when posting a Special City Council Meeting as opposed to the wording and/or procedures used when posting a "Presentation" for City Council and the public when City Representatives do not necessarily need to be present.

.....  
**17C. MAYOR AND COUNCIL**

Discussion and action regarding the following: The ceasing of the contract between the City of El Paso and the El Paso Community College for the relocation of the Cielo Vista Library from the Multi-Purpose Center to the El Paso Community College; Why the City library should stay on City property and remain at the Multi-Purpose Center to create a family atmosphere there for everyone including seniors, youth and students; and Why the City of El Paso should not have to spend taxpayers' money for acquisition costs.

Representatives Ortega, Lozano, Byrd, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carol Brey-Casiano, Director of Libraries, gave a PowerPoint presentation (on file in the City Clerk's office).
3. Mr. Alan Shubert, City Engineer
4. Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life Services

The following members of the public commented:

1. Mr. Jesse Sanchez, Cielo Vista Neighborhood Association

- 2. Mr. Ysidro Barrajas
- 3. Mr. James Ware

**1<sup>ST</sup> MOTION**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Sanchez an additional five minutes to address the Council.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Quintana, and unanimously carried to **APPROVE** the ceasing of the contract between the City of El Paso and the El Paso Community College for the relocation of the Cielo Vista Library from the Multi-Purpose Center to the El Paso Community College.

.....  
 Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **RECESS** the City Council meeting at 2:39 p.m.

.....  
 Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **RECONVENE** the City Council meeting at 2:40 p.m.

18.

**RESOLUTION**

**WHEREAS**, the staff continuously updates the City of El Paso's inventory of its real estate holdings, and

**WHEREAS**, the City staff may identify real property which may be surplus or no longer needed for a municipal purpose, and the City staff may recommend the sale or disposal of an identified parcel, and

**WHEREAS**, the City, as a real property owner, is concerned with urban redevelopment and affordable housing, and

**WHEREAS**, the City Council has an identified objective in selling or disposing of City real property, which is to return real property to the tax rolls and to enhance the value of the ownership to the surrounding properties,

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

That City staff adopt the following policy guidelines when identified parcels of the City of El Paso's real property are processed for sale or other disposition:

- 1. Property that could potentially have a historic value will be forwarded to the City's Historic Preservation Officer (HPO) for review before it comes to the Capital Assets Real Estate (CARE) Committee, and, if necessary, the HPO will recommend that an "H" overlay be initiated by the City. If the HPO recommends that an "H" overlay is appropriate, the City will initiate the zoning change prior to the sale or disposition of the identified parcel.
- 2. Property that could potentially be used for residential uses will be forwarded to the Community and Human Development Department Director, or designee, for review before it comes to the CARE Committee to review the condition of the property and to determine the deteriorating influence and the impact on the surrounding neighborhood and to determine the availability of affordable housing opportunities after the sale or disposition of the identified parcel,
- 3. On a case-by-case basis, and in those cases where a property may have a deteriorating influence on the surrounding neighborhood because the property is in a state of disrepair, the CARE

Committee will recommend all or some of the following restrictions on the sale or disposition of the identified parcels:

- a. Documents for the sale or disposition of the property will require potential buyers to identify a proposed use(s) for the real property, and this proposed use plan will be incorporated into the contract for sale or deed,
- b. As applicable, the City will require that any real property sold or otherwise disposed of must be renovated and maintained to comply with all applicable City of El Paso Code provisions.
- c. All renovations required by the El Paso City Code will be completed and appropriate certificates of occupancy will applied for and obtained within a reasonable time frame as identified in the contract of sale or deed,
- d. A Buyer of City real property must agree to request timely inspections to ensure compliance with all applicable City of El Paso Code provisions in order to receive appropriate certificates of occupancy for all buildings within a time frame identified in the contract of sale or deed. All costs associated with such inspections shall be the Buyer's responsibility,
- e. Between the date of closing and the completion of all renovations, the Buyer shall keep the real property properly secured and clean in conformance with applicable City of El Paso Code provisions,
- f. If, in its sole discretion, the City determines that the Buyer has not complied with the terms and conditions related to the sale or disposition of an identified parcel, the City reserves the right to enforce the restriction(s) in accordance with the provisions of the contract of sale or deed, which may include an option for the City to repurchase the property from the Buyer at the original sale price the Buyer paid the City for the real property, because the Buyer's failure to comply with the terms and conditions related to the sale resulted in a failure to contribute to improving the safety and quality of life in the surrounding neighborhood, which is a condition precedent to the sale or disposition of the identified parcel.

Representative Byrd commented.

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

.....  
**19. CITY MANAGER:**

City Manager's report of current events and issues:

Regional tourism research through the application of networks - An MCAD-Universidad Autonoma de Ciudad Juarez (UACJ) Project.

Ms. Angela Mora, Deputy Director for Tourism, Marketing & Communications, presented a PowerPoint presentation (on file in the City Clerk's office).

Dr. Tomas Cuevas, Universidad Autonoma de Ciudad Juarez, commented.

**NO ACTION** was taken on the item.

.....  
Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **ADJOURN** this meeting at 2:49 p.m.

APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk