

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 24, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd, Rachel Quintana, and Eddie Holguin, Jr., at 8:36 a.m. during executive session deliberations. The invocation was given by Police, Fire and CIMA Chaplain Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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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. Terry Call
2. Ms. Ellen Pennington
3. Ms. Marta A. Kind
4. Mr. Richard Schecter
5. Mr. Evererdo M. Sanchez
6. Mr. Ray Gilbert
7. Mr. James Perry
8. Mr. Jerry Theidt
9. Mr. Jorge Artalejo
10. Mr. Salvador Gomez

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Schecter an additional minute to address the Council.

2ND MOTION

Motion by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Gilbert an additional minute to address the Council.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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, and Holguin

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. 5100 El Paso Drive (551.071 and 551.072)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried the City Manager is hereby authorized to renegotiate with the Texas Department of Transportation the Local Advance Funding Agreement (TXDOT number: CSJ #0924-06-268) approved by the City Council Resolution dated April 25, 2006 for the re-alignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue) to abandon the project.

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

NO ACTION was taken on the item.

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EX3. Application of El Paso Electric Company to revise its Energy Efficiency Cost Recovery Factor before the Public Utility Commission of Texas, Docket No. 38226 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried to accept the final determination of the Texas Public Utilities Commission regarding the Application of El Paso Electric Company for approval of its Energy Efficiency Cost Recovery Factor filed June 1, 2010 before the Public Utility Commission of Texas, PUC Docket No. 38226, SOAH Docket No. 473-10-4554.

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

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1. CITY ATTORNEY'S OFFICE

Discussion and action authorizing the City Manager to renegotiate with the Texas Department of Transportation the Local Advance Funding Agreement (TXDOT number: CSJ #0924-06-268) approved by the City Council Resolution dated April 25, 2006 for the re-alignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue).

NO ACTION taken on this item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, 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 {*}).

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 17, 2010.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

THAT the City Manager be authorized to sign Consent to Assignment by and between City of El Paso, AKAL Security, Inc. ("Assignor") and Shetler & Associates, LLC d/b/a Shetler Security Services ("Assignee") approving the assignment of the City of El Paso Contract No. 2008-236, Airport Security Services.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager and Ms. Monica Lombrana, Director of Aviation commented.

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4B.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT the City Manager be authorized to sign an Interlocal Agreement by and between the City of El Paso and the University of Texas at El Paso in an amount not to exceed Three Hundred Seventy-Eight Thousand Four Hundred Seven and no/100 Dollars (\$378,407.00) for the UTEP Regional Geospatial Service Center to provide management and oversight of City of El Paso's Geographic Information Systems (GIS) functions for three (3) years

Representative O'Rourke commented.

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Mr. Philip Etiwe, Development Review Manager
3. Mr. Art Armas, Information Technology Director

Dr. Raed Aldouri, Assistant Professor – Geospatial Center Department, UTEP, commented.

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4C.

***RESOLUTION**

That the City Council approves the expenditure of additional available funding by a change order in the amount of eighty five thousand seven hundred eighty six and 00/100 dollars (\$85,786.00) to Vistacon, Inc. for additional construction costs of the EPIA East Terminal Expansion. The change order provides for the purchase and installation of carpet for the baggage claim area, adding no days of contract time for Contract Number 2008-056. The new contract sum, including the change order approved herein, is nine million eight hundred ninety nine thousand one and 39/100 dollars (\$9,899,001.39)

Representative Quintana commented.

Mr. Sam Rodriguez, Engineering Division Manager and Ms. Monica Lombrana, Director of Aviation commented.
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4D. ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution authorizing the Mayor to sign a contract, between the City of El Paso, Texas and Texas Tech University Health Sciences Center at El Paso ("Texas Tech"), whereby Texas Tech agrees to provide medical control to the City's EMS System, as well as related services, for an annual estimated amount of \$110,000 for three years, which total contract amount shall not exceed \$330,000. Said contract to have an effective date of September 1, 2010 and a termination date of August 31, 2013, with the option, at the City's sole discretion, to extend the contract on a month-to month basis for a maximum of six (6) months.

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4E.

***RESOLUTION**

WHEREAS, on May 12, 2007 a General Election and City Charter Amendment Election was held and all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for September 7, 2010 is hereby canceled.

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4F.

***RESOLUTION**

WHEREAS, on May 12, 2007 a General Election and City Charter Amendment Election was held and all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meetings for November 23, 2010 and December 28, 2010 are hereby canceled.

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4G. SUN METRO

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

Mayor Cook and Representative Holguin commented.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **DELETE** 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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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jane Thomas to the Zoning Board of Adjustment, as a regular member, by Representative Ann Morgan Lilly, District 1.

..... **6.**
REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City Manager to sign a Services Agreement by and between the City of El Paso and Outsource Connection for staffing services to answer non-emergency calls dialed to the 911 call center for a temporary interim period of four (4) months until the City bids and awards the services. The total contract amount is increased to an amount not to exceed \$175,000. The City Manager will have the option to extend the contract term for up to an additional three (3) months.

Department: Fire
Funding Source: General Fund- Temporary Service Contracts
Total Estimated Amount: \$175,000.00
Reference No.: 2010-282

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Fire Chief Otto Drozd, commented.

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7. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-161 (Security Guard Services – El Paso Fire Department) to Ruiz Protective Services, Inc. for a three year initial term estimated award of \$217,149.24. Total estimated award for the five year award is \$361,915.40.

Department: Fire
 Award to: Ruiz Protective Services, Inc. El Paso, Texas
 Items: All
 Initial Term: Three Years
 Option to Extend: Two Years
 Annual Estimated Amount: \$72,383.08
 Initial Term Estimated Award: \$217,149.24 (3 years)
 Total Estimated Award: \$361,915.40 (5 years)
 Funding Source: General Fund - Security Contracts

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 Fire Department recommend award to the bidder offering the best value bid.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Assistant Fire Chief Michael Calderazzo commented.

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8A. BID

*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-242 [Coal-Tar Pavement Sealer (Airport Grade)] to SYH, LLC dba SealMaster-Albuquerque for a three year initial term estimated award of \$349,920. Total estimated award for the five year award is \$583,200.

Department: Aviation
 Award to: SYH, LLC dba SealMaster-Albuquerque
 Albuquerque, NM
 Items: All
 Option to Extend: Two Years
 Annual Estimated Amount: \$116,640
 Initial Term Estimated Award: \$349,920 (3 years)
 Total Estimated Award: \$583,200 (5 years)
 Funding Source: Airport Operating Funds

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 Aviation Department recommend award to the sole bidder as indicated.

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8B. BID

*Motion made, seconded, and unanimously carried to **APPROVE** the award of Solicitation No. 2010-228 for the EPIA – Customs Building Roof Replacement, to Access Remodeling & Construction for a total estimated amount of \$91,450.

Department: Engineering
 Award to: Access Remodeling & Construction

Base Bid: \$91,450
Total Estimated Award: \$91,450
Funding Source: Airport Enterprise Fund

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

Representative Ortega commented.

Mr. Javier Reyes, Engineering Division Manager, commented.

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9. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2010-1396 - Convention & Performing Arts Center.

Corresponding budget transfer in order to align revenue and appropriations based on updated projections resulting in additional revenues and expenses in events activity.

Increase	\$200,000	to	Management Consult Services
Increase	\$200,000	to	Sales to the Public

Representative O'Rourke commented.

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

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10A. – 10D. INTRODUCTIONS

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

10A. An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended, to downgrade Emerald Park Drive, from a minor arterial to a collector arterial, north of the proposed extension of Mark Twain Avenue and south of Eastlake Boulevard.

- 10B.** An Ordinance amending Ordinance No. 012393 which granted a special privilege to the El Paso Electric Company, owner, and El Paso Parking Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term ten years, and revising the consideration, notification and indemnification provisions. SP-9558C
- 10C.** 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) (Needs Assessment Scholarship Program) to the El Paso City Code to Broaden the Applicability of the Multiple Child Discount and to provide authorization for a Needs Assessment Scholarship Program.

PUBLIC HEARING WILL BE HELD ON AUGUST 31, 2010, FOR ITEM 10A – 10C

- 10D.** An Ordinance changing the zoning of a portion of Tract 8J, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas from R-4 (Residential) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 327 S. Zaragoza Road. Property Owner: Juan and Teresa Ceballos. ZON10-00041

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2010, FOR ITEMS 10D

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11. ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2010-255, CSJ 0924-06-310 for the Traffic Signal Upgrades 9 Locations to Medlock Commercial Contractors, LLC for a total estimated amount of \$1,562,223.45.

Department:	Engineering
Award to:	Medlock Commercial Contractors, LLC
Base Bid:	\$1,562,223.45
Total Estimated Award:	\$1,562,223.45
Funding Source:	TxDOT Surface Transportation Program (STP)

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

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12A.

RESOLUTION

WHEREAS, the City awarded Contract No. 2010-152 to H. Repair Solutions, Inc. of El Paso, Texas, on May 11, 2010, for Herbicide Spraying Citywide Right of Ways for Street Department; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract because the vendor failed to provide services at the prices bid and under the contract awarded by City Council; and

WHEREAS, pursuant to Section 8B of the Contract (Termination for Default), the City is authorized to terminate the Contract in the event of default; and

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

That the Purchasing Manager is authorized 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.

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

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Mr. Bruce Collins, Purchasing Manager
3. Mr. Daryl Cole, Director of Streets
4. Mr. Charlie McNabb, City Attorney, gave legal advice
5. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **APPROVE AS REVISED** the Resolution, and to explore additional damage provisions as part of the City's contracts.

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12B. STREETS

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried to **APPROVE** 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.

Mayor Cook commented.

Mr. Bruce Collins, Purchasing Manager commented.

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ITEMS TAKEN TOGETHER

13A.

ORDINANCE 17375

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

13B.

ORDINANCE17376

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

13C.

ORDINANCE 17377

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

Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure, commented.

Mr. Oscar Padilla, El Paso Chamber of Commerce, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, 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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14.

ORDINANCE 17378

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 21, SMART CODE, CHAPTER 21.30 (NEW COMMUNITY PLANS) AND CHAPTER 21.50 (BUILDING SCALE PLANS), AND CHAPTER 21.80 (TABLES), OF THE EL PASO CITY CODE TO ADD AIRPORT SPECIAL DISTRICTS AND STANDARDS FOR THOSE DISTRICTS TO INCLUDE SEQUENCE OF COMMUNITY DESIGN, COMMUNITY TYPES, CIVIC ZONES, THOROUGHFARE STANDARDS, DENSITY CALCULATIONS, BUILDING SCALE PLANS, BUILDING CONFIGURATION, BUILDING FUNCTION, PARKING AND DENSITY CALCULATIONS AND DISPOSITION, PARKING LOCATION STANDARDS, LANDSCAPE STANDARDS, SIGNAGE STANDARDS, AND ARCHITECTURAL STANDARDS. THE PENALTY AS PROVIDED IN SECTION 21.60 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Byrd commented.

Ms. Monica Lombrana, Director of Aviation, commented.

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

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

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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15.

ORDINANCE 17379

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

Mayor Cook and Representative Ortega commented.

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

Mr. Jose Padilla, on behalf of Carmen Perez, Delgado, Acosta, Spencer, Linebarger, and Perez, LLP, commented.

Motion duly made by Representative Ortega, 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 TAKEN TOGETHER

16.

ORDINANCE 17380

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

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

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

The following City staff members commented.

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. John Belliew, Vice President of Operations of El Paso Water Utilities
- 3. Ms. Josette Flores, Assistant City Attorney gave legal advice
- 4. Mr. Charlie McNabb, City Attorney gave legal advice

The following members of the public commented.

- 1. Mr. Oscar Padilla, El Paso Chamber of Commerce
- 2. Ms. Isabel Santos
- 3. Ms. Bea Heist, Heist Disposal
- 4. Mr. Taylor Moore, Sunland Park Grassroots Environmental Group
- 5. Mr. Robert Ardovino
- 6. Mr. John Fields, Waste Connections Inc.
- 7. Ms. Maria Lara
- 8. Mr. Lee Wilson, representing Waste Connections and the Camino Real

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Heist an additional two minutes to address the Council.

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Moore an additional one minute to address the Council.

3rd MOTION

Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried to **SUSPEND THE RULES OF ORDER FOR THE REMAINDER OF THE MEETING** to allow additional speakers to address the Council after the sign up period.

4th AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Ortega, 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 Byrd, Acosta, Quintana, Holguin, Ortega and O'Rourke
NAYS: Representatives Lilly and Robinson

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**

17. MAYOR AND COUNCIL

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

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

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The City Council Meeting was **RECESSED** at 12:25 p.m.

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The City Council Meeting was **RECONVENE** at 12:56 p.m.

18.

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 No. 3-48-0077-030-2010;

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 \$7,563,087.00 and a local share of \$7,599,040.00, and will be utilized for the following project:

Extension of Runway 8R26L (construction phase): This project will extend Runway 8R26L by 1,100 feet on the eastern end, alleviating FAR Part 77 surface penetration issues in the area of the terminal ramp and Concourse B gates west of the runway. It will include the extension of its parallel Taxiway "L".

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

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19.

RESOLUTION

That City Council adopt policies and priorities for the 37th Year (2011-2012) Community Development Block Grant (CDBG) Program, the 2011-2012 Emergency Shelter Grant (ESG) Program and the 2011-2012 Housing Opportunities for Person with AIDS (HOPWA) Program, all such policies and priorities attached hereto as A through O; that City Council establish September 16, 2010 as the deadline for the submission of Letters of Intent from CDBG Public Service, ESG, HOPWA and Neighborhood Revitalization Strategy Area (NRSA) Partnership agencies; that City Council establish October 28, 2010 as the deadline for submission of all City Representative requests and citizen request forms; that City Council establish November 1, 2010 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; that City Council establish December 16, 2010 as the deadline for the submission of all 2011-2012 City Department, Code Enforcement, Economic Development, Housing (Fair Housing and Volunteer Housing Rehabilitation), Interim Assistance and Public Facility application packets; and that City Council establish January 10, 2011 as the deadline for submission of all NRSA Partnership application packets.

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

Representative Ortega commented

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

.....

20.

RESOLUTION

That the City of El Paso Infill Development Incentive Policy attached hereto is adopted with an effective date of September 1, 2010.

Mayor Cook, and Representatives Lilly, Byrd, and Acosta commented.

Ms. Kathryn Dodson, Director of Economic Development, commented and Ms. Marie Taylor, Assistant City Attorney, gave legal advice.

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPROVE WITH OPTION 2** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Ortega, and O'Rourke
NAYS: Representative Holguin
NOT PRESENT FOR THE VOTE: Representative Quintana

.....
21.

RESOLUTION

WHEREAS, on Oct. 27, 2009, the El Paso City Council reaffirmed its Debt Management Policy, which sets forth the parameters for issuing new debt for the City of El Paso; and

WHEREAS, the policy direction provided by the El Paso City Council has been to develop capital plans for proposed projects pursuant to the approved Debt Management Policy; and

WHEREAS, the Debt Management Policy establishes the types of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Revenue Bonds will be issued for projects that generate revenues that are sufficient to repay the debt; and

WHEREAS, in accordance with the policy direction provided by the El Paso City Council, the City staff has developed a proposed listing of capital projects at the El Paso International Airport to be undertaken in fiscal years FY 2011 through FY 2015, and one identified project has been proposed to be funded by the City issuing long term debt,

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

1. **THAT** the El Paso City Council approves the list of projects totaling approximately \$63,500,000.00, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan", attached hereto as Exhibit "A", as the established list of Airport Capital Improvement Program projects for FY 2011 through FY 2015 and the El Paso City Council approves utilizing Revenue Bonds and other funding mechanisms pursuant to the City Debt Management Policy for the BTIP Pavement Rehab/Landscaping Project; and
2. **THAT** the City Manager be authorized to establish the funding sources for the projects enumerated in the "El Paso International Airport Proposed Five Year Capital Improvement Plan" and make all necessary budget transfers at the appropriate times for execution of the projects.

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

Representatives Holguin and Ortega commented

Ms. Joyce Wilson, City Manager, and Ms. Monica Lombrana, Director of Aviation, commented.
.....

22.

ORDINANCE 17381

The City Clerk read an Ordinance entitled: **AN ORDINANCE SETTING THE FEE STRUCTURE FOR THE FIRE DEPARTMENT MEDICAL SERVICES SYSTEM; THE PENALTY BEING AS PROVIDED IN SECTION 9.52.030 OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Holguin commented

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Mr. Michael Calderazzo, Assistant Fire Chief
3. Ms. Josette Flores, Assistant City Attorney, gave legal advice

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

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

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

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23.

ORDINANCE 17382

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

Motion duly made by Representative Byrd, seconded by Representative Lilly, 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, Ortega and O'Rourke
NAYS: Representative Holguin

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

.....
ITEMS TAKEN TOGETHER

24A.

ORDINANCE 17383

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

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

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

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

24B.

ORDINANCE 17384

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

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

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

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

24C.

ORDINANCE 17385

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

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

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

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

24D.

ORDINANCE 17386

The City Clerk read an Ordinance entitled: **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.

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

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

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

24E.

ORDINANCE 17387

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

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

25A.

ORDINANCE 17388

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

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

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

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

25B.

ORDINANCE 17389

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

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

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

NAYS: None

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

25C.

ORDINANCE 17390

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

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

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

NAYS: None

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

25D.

ORDINANCE 17391

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

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

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

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

26A.

ORDINANCE 17392

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

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

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

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

26B.

ORDINANCE 17393

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

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

27.

ORDINANCE 17394

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

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

28A.

ORDINANCE 17395

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

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

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

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

28B.

ORDINANCE 17396

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

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

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

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

29.

ORDINANCE 17397

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

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

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

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

30.

ORDINANCE 17398

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

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

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

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

Ms. Elaine Hengen, Senior Assistant City Attorney presented a PowerPoint Presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

..... The City Council Meeting was **RECESSED** at 2:15 p.m. in order to convene the Mass Transit Department Board Meeting.

..... The City Council Meeting was **RECONVENED** at 3:03 p.m.

31.

RESOLUTION

WHEREAS, on June 30, 2010, the City Manager of the City of El Paso filed the Fiscal Year 2011 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 person and was posted on the City’s website in accordance with Section 102.005 of the Texas Local Government Code; and

WHEREAS, on August 3, 2010, 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 2011 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, said public hearing was held on August 24, 2010, by the City Council regarding the City of El Paso’s Proposed Budget at which all interested persons were given the right to be present and 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 June 30, 2010, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2011, which begins on September 1, 2010 and ends on August 31, 2011.
2. That any balance in the General Fund on August 31, 2010 shall first be allocated to restore the reserve for claims in an amount equal to One Million Dollars (\$1,000,000.00). 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 City Manager or his/her designee by November 15, 2010, with a financial report showing all appropriations for Fiscal Year 2011 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 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 (\$25,000.00) between departments and/or funds. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) between departments and/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 and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide adequate 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, 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 City Manager or his/her designee.

15. That the provision regarding the date of coverage for new employees under the City's health plan shall be changed from "the date you complete 30 consecutive calendar days of employment with the City of El Paso" to "the first day of the month following the date you complete 30 consecutive calendar days of employment with the City of El Paso", until such time as the Council should further amend, revise or change the health plan.
16. The amounts of the annual competency increases for employees in the Civil Service for Fiscal Year 2011 are set as follows: 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.
17. That any competency increases for employees shall not be given until the fourth quarter of Fiscal Year 2011, and the City Manager shall establish the exact date or dates for giving any such increases based on the availability of funding for such purposes as of the start of the fourth quarter of Fiscal Year 2011. No competency increase shall be paid retroactively to an anniversary date or date of a performance evaluation. Any increases for certification pay established in Ordinance 8064, as amended, may be given by the City Manager in the manner provided for in the Ordinance.
18. That for purposes of recognizing the longevity of an employee's service other than employees covered under collective bargaining agreements, an amount that most closely approximates a one and one half percent (1.5%) increase will be added to the base pay of each employee on the anniversary date of five (5) years of service, two percent (2%) on the anniversary date of ten (10) years of service, two percent (2%) on the anniversary date of fifteen (15) years of service, and two and one half percent (2.5%) on the anniversary date of twenty (20) years of service and for any other five year incremental period on or beyond twenty-five (25) years of service accrued by an employee; however, 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.
19. That all 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.
20. That Attachment A, as required to be maintained by the Human Resources Director and approved by the Council by the Classification and Compensation Plan, Ordinance 8064, as amended, shall be as established as set forth in Schedule D, for such time until the Council, by resolution and as provided in Ordinance 8064, should amend or further revise.
21. 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.
22. That the business days of the City shall be Monday through Friday, excluding city observed holidays, except during such time periods in which the City Council has established a 4-10 work week for more than 50% of the employees assigned to work at City Hall, the business days of the City shall be Monday, Tuesday, Wednesday and Thursday.

23. 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.
24. 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 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.
25. That any travel expenditure for a City Council member that exceeds the FY 2011 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.
26. That City Council members must notify the City Manager or his/her designee 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.
27. That the City Manager or his/her designee 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 or other resolution as may be adopted by the Council.
28. 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.
29. 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.
30. That the Full-Time Equivalent (FTE) positions funded by the FY 2011 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized FTE positions for each department. Requests for changes and additions shall be approved by the City Manager and his/her designee and shall show the impact on the FY 2011 Budget and the estimated impact on expenditures for Fiscal Year 2012.
31. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2011 Budget, shall be funded until the earlier of October 16, 2010 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
32. That the compensation of Municipal Judges and substitute Associate Municipal Judges shall continue at the current level.
33. 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 2011.

34. That the cash balance of the Bridge Fund shall be transferred on a monthly basis to the General Fund, except for One Hundred Seventy-five Thousand Dollars (\$175,000.00) (\$25,000.00 Unreserved Balance and \$150,000.00 Reserve for Maintenance) and any required cash, which must be maintained pursuant any bridge revenue bond covenants.
35. That all appropriations in the General Fund associated with outstanding purchase orders shall lapse at the end of Fiscal Year 2011, unless reviewed and approved not to lapse by the City Manager or his/her designee
36. 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.
37. 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.
38. 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 to satisfy debt requirements for the fiscal year that the City Manager or his/her designee be authorized to appropriate additional funding from this account for the replacement of parking meters upon approval of the City Manager of a meter replacement program based on availability of funds in this account, and that all funds exceeding the debt service requirement and meter replacement capital requirements for the fiscal year be deposited to the General Fund.
39. 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.
40. That any balance in the General Fund as of August 31, 2010 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.
41. That any balance in the General Fund as of August 31, 2010 may be allocated to a reserve for building repair in an amount not to exceed One Million Dollars (\$1,000,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of the General Services Department appropriation for contract services.
42. That any balance in the General Fund as of August 31, 2010 may be allocated to a reserve for capital purchases in an amount not to exceed One Million, Five Hundred Thousand Dollars (\$1,500,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of the City Manager's budget or transfer some or all of these funds to another

department has he/she deems appropriate.

43. That appropriation control for expenditures shall be at the Object Level.
44. 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; Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for the goods and services it provides; and Schedule D contains Attachment A, as referenced by the Classification and Compensation Plan, Ordinance 8064, as amended. For any programs, activities, presentations, classes or services that have a fee range listed within Schedule C, the department head shall determine and charge a fee within the stated range for each particular activity, presentation, class or service in the amount that will recover the City's costs, as reviewed and approved by the City Manager or his/her designee. Any revisions or additions to the fees listed in Schedule C, or the process or formula used for setting fees, shall be approved by simple resolution of the City Council.
45. That the City Manager and his/her designee is authorized to determine when it is practicable for the City to accept payments by credit card of a fee, fine, court cost, or other charge in accordance with City Ordinance no. 15051. Service charges added to the payment shall be in conformity with state statutory requirements and will be in such amount(s) as listed in Schedule C, provided that in the event that bank charges imposed on the City relating to credit card acceptance increase during the fiscal year, the City Manager is authorized to increase the service charge amount(s), so as to cover the City's increased costs.
46. That the Department of Aviation shall be authorized to collect fees to recover costs, as set forth in Schedule C, relating to its duties in connection with the conduct of criminal history background checks and the issuance of identification badges and replacement badges, and the Department shall collect the fees authorized in prior resolutions of the City Council for hangars, tie-downs, storage, and heavy aircraft parking, and for public parking at the Airport in the amounts as set forth in Schedule C attached hereto and that Schedule C shall be the controlling resolution for the establishment of the specific amounts of these fees.
47. That in addition to City created programs, activities, presentations, classes ("City programs") and City produced or supported publications that are offered to the public in conjunction with the missions of the various departments for which the fees are separately established in Schedule C, the Council authorizes City department directors to create and offer new City programs and publications, on a trial or temporary basis, as may be of benefit to the public and as the directors may deem appropriate and within his/her department's capacity for providing new City programs or publications. The fee for participation in each such new City program or the cost to obtain such a publication shall be established in an amount that will recover the City's costs to present each such City Program or provide the publication, as reviewed and approved by the City Manager or his/her designee. The City Manager or his/her designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.
48. That the Council sets the level of City funding support to persons and organizations seeking such support for parades in accordance with Section 13.36.050 E of the City Code, in an amount not to exceed \$68,181.66, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.

49. That the Council sets the maximum level of funding for the Parks and Recreation Department's needs assessment scholarship program, as may be established by ordinance, in the amount of \$100,000.00, with a maximum benefit per child of \$150.00, for Fiscal Year 2011.
50. That the Council authorizes the conduct of the Holiday Parade and Tree Lighting as a program event within the Parks and Recreation Department; authorizes funding for the event as established within the Department's budget; authorizes the City Manager to determine and approve participation in the event by other City departments and personnel; and authorizes the Parks and Recreation Department to charge the entry fee as set forth in Schedule C to non-City persons and organizations who submit entries in the parade.
51. That the City Manager or his/her designee be authorized to appropriate funds not to exceed \$500,000.00 from the restricted account called Red Light Camera Fund for the purpose of Public/Traffic programming as permitted by state law, as deemed necessary by the City Manager and upon the availability of funds.
52. That the Council authorizes additional funds received from the additional electric franchise fee be designated into a special fund to promote economic development and solar initiatives and \$500,000.00 of such funds be allocated to augment utility's residential solar rebate program; and that the City Manager and his/her designee be authorized to appropriate the remaining funds to subsidize electric rates of high energy business users that qualify for City economic development incentives or to businesses that help build the City's capacity in alternative energy research, development, manufacturing and generation.
53. That the City Manager is authorized to negotiate and sign a memorandum of understanding with the El Paso Municipal Police Officers Association to amend the collective bargaining agreement which would allow the City to achieve savings regarding the City's obligations under the agreement in the approximate amount of and in lieu of implementing three furlough days for police in FY 2011, and to address cooperation between the parties and the holding of discussions relating to budgetary impacts during the fiscal years of the existing agreement.
54. That by 2014, the City Attorney shall implement a system of salary and benefits for assistant city attorneys which shall follow as closely as possible the system of salary and benefits used by the Department of Justice for its attorneys.
55. That the Council authorizes the establishment of appropriate budgets within the various departments to provide for the approved changes of functions and reorganization of the departments, to include the movement of functions, duties and related budgets within the departments to include but not be limited to the establishment of the code enforcement division within the Environmental Services Department and the transfer of parks maintenance functions to the General Services Department.
56. That the City Manager or his/her designee shall immediately file, or cause to be filed a true copy of the FY 2011 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.

1ST MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **CLOSE** the Public Hearing on a Resolution that the Proposed Budget, as amended, for the City of El Paso,

filed by the City Manager with the City Clerk on June 30, 2010, is hereby approved and adopted by the City Council as the Annual Budget for Fiscal Year 2011 for the City of El Paso, Texas.

2nd MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, to reassign \$100,000 in Hotel Occupancy Tax (HOT) to Museums and Cultural Affairs for cultural programming, such as Salsa Saturdays, Music under the Stars, and festivals or programming for downtown. **THE MOTION FAILED.**

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

3rd MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, to increase Project Arriba funding by \$75,000 and take the increase from Contingency. **THE MOTION FAILED.**

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

4th and FINAL MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **APPROVE** a Resolution that the Proposed Budget, **AS AMENDED**, for the City of El Paso, filed by the City Manager with the City Clerk on June 30, 2010, is hereby approved and adopted by the City Council as the Annual Budget for Fiscal Year 2011 for the City of El Paso, Texas.

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

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

Mr. Oscar Padilla, El Paso Chamber of Commerce commented.

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

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The City Council Meeting was **RECESSED** at 3:34 p.m. in order to convene the Special City Council Meeting.

.....
The City Council Meeting was **RECONVENED** at 3:39 p.m.
.....

32.

ORDINANCE 17399

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2011 TAXES.**

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, that the Ordinance be **ADOPTED AS REVISED**, that property taxes be increased by the adoption of a tax rate \$0.6537 of one percent of the assessed property value, which is effectively a 1.73% increase in the tax rate. This tax rate consists of \$0.4284 of one percent for the General Fund for the purpose of defraying current municipal expenses and \$0.2253 of one percent to pay interest on and providing a sinking fund to redeem bonds.

This Tax Rate will raise more taxes for Maintenance and Operations than last year's Tax Rate.

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**.

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

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice
3. Mr. David Almonte, Director of the Office of Management and Budget
4. Mr. William Studer, Deputy City Manager of Financial and Administrative Services

.....
 Motion made by Representative Robinson, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 3:44 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk