

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 25, 2009
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:06 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. The invocation was given by United States Border Patrol Chaplain Bill Jackson, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **Extreme Weather Task Force**
2. **Jose "Little Joe" Hernandez - Key to the City**

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. Jerry Thiedt
2. Ms. Lisa Turner
3. Mr. Bill Addington

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items

approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}.

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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 18, 2009, and the Special City Council Meeting of August 17, 2009 (Annexation).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign an agreement for electric service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Texas Cable Partners, L.P (Time Warner), an Airport Industrial Park lease holder, at 7010 Airport Road, El Paso, Texas. Said property being more particularly described as a portion of Lot 4, Block 6 of the Butterfield Trail Industrial Park, Replat A, El Paso, El Paso County, Texas.

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3B.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Government Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2009, through August 31, 2010, in an amount not to exceed \$208,500.

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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard Vorba to the PSB Selection Committee by Representative Carl Robinson, District 4.

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5A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Sigma Solutions Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-600, in the amount of \$107,624.45 for maintenance of Netbackup Support. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351 – 502202 – 01101
Funding Source: FY 09 IS-General Fund-Data Processing Services Contracts
Total Est. Award: \$107,624.45
Reference No.: 2009-302

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5B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase order to Sierra Machinery, Inc.; the sole authorized sales, parts, and service distributor in El Paso, Texas, for Volvo Construction Equipment and Volvo Road Machinery proprietary parts and service. Estimated annual amount is \$95,000. Total estimated three year award is \$285,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
Account No.: 37370510 – 503125 – 45202
Annual Estimated Amount: \$ 95,000
Funding Source: General Services, Internal Service Fund
Total Estimated Amount: \$285,000 (3-year total)
Sole Source No.: 2009-258

Representative Ortega commented.

Mr. Stuart Ed, Director of General Services, commented.

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5C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Kirby-Smith Machinery, a Houston-Galveston Area Council (HGAC) contractor under Contract No. EM-06-09, for one Crawler Dozer in the estimated amount of \$409,500. The participation by the City of El Paso in the HGAC cooperative was approved by Mayor and City Council on August 21, 2007.

Department: Environmental Services
Account No.: 34010289 – 508029 – 40403
Funding Source: Heavy Off Road Equipment
Total Estimated Award: \$409,500 (one Crawler Dozer)
Reference No.: 2009-304

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Ms. Lisa Turner, citizen, commented.

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5D. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Checkpoint Services, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-890, in the amount of \$100,360 for Dell Computer and Equipment products for El Paso Police Department for the Regional Command Centers. Participation by the City of El Paso in the DIR Program was approved by City Council on March 6, 2007.

Department: Police
Account No.: 21150060-508010-16371-P500231
Funding Source: Confiscated Funds
Total Estimated Award: \$100,360
Reference No.: 2009-301

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6. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-186 (Janitorial Services – Marcos B. Armijo, San Juan and L.F. Washington Recreation Centers) to Carefree Janitorial Services for a total estimated award of \$169,332.

Department: Parks and Recreation Department
Award to: Carefree Janitorial Services
El Paso, TX
Items: 2B, 3C, 5B, 6C, 8B, 9C
Option: Two years
Account No.: 51010363 – 01101 – 502206
Funding Source: General Fund – Maintenance Services Contracts
Total Estimated Award: \$169,332 (36 months)

This is a thirty-six month requirements type contract.

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

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award to Carefree Janitorial Services, the vendor offering the best value bid.

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7. REQUEST FOR PROPOSALS

*Motion made, seconded, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2009-252R (Baseline Physical Exams for Firefighters) to Las Palmas Del Sol Healthcare for a total estimated award of \$164,364.

Department: Fire
Award to: Las Palmas Del Sol Healthcare
El Paso, TX
Option: Two years
Annual Estimated Amount: \$164,364
Account No.: 22010100 – 502111 – 01101
Funding Source: General Fund
Total Estimated Award: \$164,364 (1 year)

This is a twelve month contract.

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

Mayor Cook and Representatives Quintana and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Fire Chief Carlos Carmona
3. Mr. Terrence Freiburg, Purchasing Manager

Ms. Lisa Turner, citizen, commented.

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8. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2009-1382 - Convention & Performing Arts Center.

Due to increased event activity, estimated revenue and expenses require adjustment. CPAC generated additional event revenue of \$275,000, therefore, expenses increased. Adjustments to budget to cover utilities, food, and beverage cost of sale, and increased event staffing and services.

Increase	\$275,000	to	Management Consult Services
Increase	\$ 75,000	to	Parking Fee Revenue
Increase	\$200,000	to	Sales to the Public

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9A. – 9G. INTRODUCTIONS

Motion made by Representative Ortega, 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:

- 9A.** An Ordinance amending Ordinance 16013 to extend the term of Ordinance 16013, which granted a Special Privilege to Mario Hernandez, Hector Cobos, Jr., Eber Martinez, Maria Cobos, Margarita Cobos, Juan Torres, Pedro Orona, Hector Cobos, Maria Prieto, Maria Grado, Jack Kellog, Jesus Hernandez, Eusebio Coronel, Victor Ochoa, Carmen Cox, Maria Chavez, Eunise Morales, Maria Barraza, Santiago Aguilar, and Brandon Palma to encroach onto a portion of various public rights-of-way with a food-vending concession in the Downtown area.
- 9B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One Way Streets), of the El Paso City Code by deleting Number 8, Anthony Street between San Antonio Avenue and Paisano Drive; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.
- 9C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 Schedule I (One-Way Streets), of the El Paso City Code by changing Number 35, Franklin Avenue eastbound from Durango Street to Campbell Street to Franklin Avenue eastbound from Oregon Street to Campbell Street; the penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 1, 2009, FOR ITEMS 9A – 9C

- 9D.** An Ordinance amending Title 20 (Zoning), Chapter 20.16 (Screening and Fencing), Section 20.16.030 (Permitted Walls), of the El Paso City Code to allow for an additional four feet of fencing on a screening wall or fence not to exceed a total of twelve feet in height. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9E.** An Ordinance changing the zoning of a portion of Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from C-4/C (Commercial/Conditions) to R-5 (Residential) and releasing conditions placed on the property by Ordinance No. 016745. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 9F.** An Ordinance changing the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-1/C

(Commercial/Conditions) to G-MU/C (General Mixed Use/Conditions). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

9G. An Ordinance releasing conditions placed on property by Ordinance No. 17072 which changed the zoning of a portion of Section 47, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 15, 2009, FOR ITEMS 9D – 9G

10A. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2004-088R (800MHz Trunked Simulcast Radio System/800MHz Conventional System Fixed Equipment Maintenance) which was awarded on August 29, 2008, to Motorola, Inc., for one additional year, from September 1, 2009, to August 31, 2010. Total award \$818,098.70.

Department: Information Technology
Option: Four of Five
Account No.: 39010352-502229- 01101
Funding Source: FY10 General Fund Account
Total Estimated Award: \$818,098.70

Mr. Terrence Freiburg, Purchasing Manager, commented.

10B. FINANCIAL SERVICES

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:56 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 10:23 a.m. and **RECONVENE** the meeting of the City Council.

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

3RD AND FINAL MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2009-097R (457 (b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Administrator) to Prudential Retirement.

Department: OMB – Insurance and Benefits
Award to: Prudential Retirement
Hartford, CT
Items: All
Option: Two 3-year periods
Total Cost (Years 1-5): N/A
Account No.: N/A
Funding Source: Employee Voluntary Contributions Only

Total Estimated Award: N/A

This is a five year contract.

The Departments of Financial Services, Purchasing Division, and Office of Management and Budget based on evaluation factors established for this RFP recommend award to the highest ranked proposer as indicated.

Representative Quintana commented.

Mr. David Almonte, Director of Office of Management and Budget, commented and Ms. Elaine Hengen, Senior Assistant City Attorney, gave legal advice.

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11A.

RESOLUTION

That the City Manager be authorized to sign the Restricted Funds Management Agreement by and between the City of El Paso and the El Paso Museum of Art Foundation, under which the Foundation will hold, manage, and invest certain City special revenue fund accounts as endowed funds for the benefit of the El Paso Museum of Art at no cost to the City.

Mayor Cook and Representatives Ortega and Byrd commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, and Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

Mr. Jack Maxon, Chairman of the El Paso Museum of Art Foundation, commented.

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

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11B.

RESOLUTION

WHEREAS, the Greater El Paso Chamber of Commerce Foundation (the Chamber) is the owner of the Star on the Mountain (the "Star"), which is located on the south side of the Franklin Mountains, and the equipment of the Star, including the lights, poles, and electrical panels; and

WHEREAS, the Star is currently located on property which is leased by the Chamber; and

WHEREAS, the Chamber desires to transfer the equipment constituting the Star and the City desires to accept from the Chamber, the equipment, free and clear of all liens, claims, encumbrances, restrictions, and other rights of third parties; and

WHEREAS, the Chamber is willing to donate to the City all its legal rights in its "Star on the Mountain" program (the "Program"), including but not limited to its rights, title and interest in the Star Logo and a commemorative and donation program which assists with the costs of lighting the Star for an evening; and

WHEREAS, the City has determined that it would be of benefit to the public to continue the Program; and

WHEREAS, the Chamber is willing and able to provide management and operation services with respect to the Program and with respect to the Star,

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

That the City Manager be authorized to sign:

1. An Equipment Purchase Agreement between the Greater El Paso Chamber of Commerce Foundation and the City of El Paso;
2. A Bill of Sale from Greater El Paso Chamber of Commerce Foundation to the City of El Paso for all of the Chamber's rights, title and interest in and to the equipment, which shall be contemporaneously construed with the Equipment Purchase Agreement Equipment; and
3. An Operation and Maintenance Agreement between the City of El Paso and Greater El Paso Chamber of Commerce Foundation for the operation and maintenance of the Star.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented and Ms. Theresa Cullen, Deputy City Attorney, gave legal advice.

Mr. Richard Dayoub, President and Chief Executive Officer of The Greater El Paso Chamber of Commerce Foundation, commented.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried to **APPROVE** the Resolution, **WITH THE REVISION TO THE BILL OF SALE.**

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

NAYS: Representative O'Rourke

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12. MAYOR AND COUNCIL

Presentation by El Paso Mental Health and Mental Retardation (MHMR) to update City Council on the status of the El Paso MHMR Wait List for Services that will go into effect September 1, 2009.

Mr. Rene Hurtado, MHMR Chief External Affairs Officer and Ms. Selena Quintana, MHMR Associate CEO, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Acosta, Robinson, Byrd, and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on the item.

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13A.

RESOLUTION

That City Council adopt policies and priorities for the 36th Year (2010-2011) Community Development Block Grant (CDBG) Program, the 2010-2011 Emergency Shelter Grant (ESG) Program and the 2010-2011 Housing Opportunities for Person with AIDS (HOPWA) Program, all such policies and priorities attached hereto as A through Q; that City Council establish September 18, 2009 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 November 2, 2009 as the deadline for submission of all CDBG Public Service, ESG and HOPWA application packets; that City Council establish November 13, 2009 as the deadline for submission of all City Representative requests and citizen request forms; and that City Council establish January 8, 2010 as the final deadline for the submission of all 2010-2011 City Department, Code Enforcement, Economic Development, Housing (Fair Housing, First-Time Homebuyer Counseling and Education, and Volunteer Housing Rehabilitation), Interim Assistance, NRSA Partnership and Public Facility application packets.

Representatives Byrd, Holguin and Quintana commented.

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

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

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Motion made by Representative Lilly, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **RECESS** the City Council Meeting at 11:37 a.m. in order to convene the Special Mass Transit Department Board Meeting.

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Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **RECONVENE** the City Council Meeting at 11:47 a.m.

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13B.

RESOLUTION

That the City Manager be authorized to sign the Memorandum of Understanding between the City of El Paso and the National Community Stabilization Trust, LLC (NCST), concerning the City's participation in the NCST REO Acquisition Program.

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

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14. ENGINEERING

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **DENY** the request from the Albuquerque District Army Corps of Engineers for a temporary (6 months) Right-of-Entry upon City owned property to conduct land surveys and environmental surveys for a portion of City property that has been identified by Customs and Border Protection as a potential permanent Route of access to the El Paso Sector border fence.

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

NAYS: None

ABSTAIN: Representative Robinson

Mayor Cook and Representative Quintana commented.

Mr. Alan Shubert, City Engineer, commented.

Mr. Bill Addington, citizen, commented.

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15A.

ORDINANCE 17177

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING THE TERM OF A SPECIAL PRIVILEGE LICENSE GRANTED TO SHELL OIL COMPANY BY ORDINANCE 12055, WHICH PERMITTED THE ENCROACHMENT ONTO A PORTION OF A DRAINAGE EASEMENT LOCATED IN TRACT 1A5, BLOCK 4, ASCARATE GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, WITH A MULTI-PRODUCT PIPELINE AND APPROVING THE ASSIGNMENT OF THE LICENSE TO MAGELLAN PIPELINE COMPANY L.P. APPLICANT: MAGELLAN PIPELINE COMPANY, L.P. SP94034.**

Mayor Cook and Representative Acosta commented.

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

Motion duly made by Mayor Pro Tempore Acosta, 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, 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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15B.

ORDINANCE 17178

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016874 GRANTING A SPECIAL PRIVILEGE TO ONIHC, L.L.C. PERMITTING THE ENCROACHMENT ONTO PUBLIC RIGHT-OF-WAY WITH A SIDEWALK CAFÉ LOCATED AT 504 WEST SAN ANTONIO AVENUE BY ADDING THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES AS A PERMISSIBLE ACTIVITY IN THE PUBLIC RIGHT-OF-WAY DESCRIBED IN ORDINANCE 016874 AND EXTENDING THE TERM OF THE SPECIAL PRIVILEGE LICENSE TO TEN YEARS.**

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

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

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

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TAKEN WITH ITEM 16B AND 16C

16A.

ORDINANCE 17179

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND SECTION 3.4 (F), DEMOTION OR REASSIGNMENT TO LOWER GRADE AND 4.6, LEGAL HOLIDAYS.**

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Linda Ball Thomas, Director of Human Resources
- 3. Mr. John Batoon, Assistant City Attorney, gave legal advice.

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

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

NAYS: None

PRESENT FOR THE MOTION BUT NOT THE VOTE: 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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TAKEN WITH ITEM 16A AND 16C

16B.

ORDINANCE 17180

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, AMENDING VARIOUS RULES AND REGULATIONS CONTAINED THEREIN, AS APPLICABLE TO THE CIVIL SERVICE SYSTEM OF THE CITY OF EL PASO AND CITY EMPLOYEES.**

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Linda Ball Thomas, Director of Human Resources
- 3. Mr. John Batoon, Assistant City Attorney, gave legal advice.

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

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

NAYS: None

PRESENT FOR THE MOTION BUT NOT THE VOTE: 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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TAKEN WITH ITEM 16A AND 16B

16C.

RESOLUTION

That the Classification and Compensation Plan shall be amended, as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission. (See Attachment "A").

Mayor Cook and Representative Acosta commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Linda Ball Thomas, Director of Human Resources
- 3. Mr. John Batoon, Assistant City Attorney, gave legal advice.

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

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

NAYS: None

PRESENT FOR THE MOTION BUT NOT THE VOTE: Representative Lilly

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17.

ORDINANCE 17181

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGES), OF THE EL PASO CITY CODE TO AMEND THE PROCEDURES FOR USE OF PUBLIC RIGHT OF WAY GRANTED BY SPECIAL PRIVILEGE LICENSE AND PERMITS, THE PENALTY AS PROVIDED FOR IN SECTION 15.08.125 OF THE EL PASO CITY CODE.**

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

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**.

18.

ORDINANCE 17182

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200, PARK AND RECREATION FACILITY USE AND FEE AUTHORIZATION, OF THE EL PASO CITY CODE TO REVISE AND CLARIFY THE PROVISIONS RELATING TO THE TYPES OF USER FEES AUTHORIZED TO BE CHARGED BY THE DEPARTMENT, TO CLARIFY THE AUTHORIZATION FOR THE DEVELOPMENT OF PROGRAMMING IN THE PARKS; TO REQUIRE BACKGROUND CHECKS FOR LEAGUE COACHES, AND TO AMEND THE DEFINITIONS USED HEREIN AND ON THE FEE SCHEDULE.**

Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.
- 3. Ms. Paula Powell, Sports Manager for Parks and Recreation
- 4. Ms. Debbie Hamlyn, Deputy Director of Quality of Life Services

The following members of the public commented:

- 1. Ms. Anita Jean Monsivais
- 2. Mr. Paul White
- 3. Ms. Teresa Garcia
- 4. Ms. Isa Clark

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Monsivais an additional three minutes to address the Council.

2ND AND FINAL MOTION

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**.

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19. MAYOR AND COUNCIL

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **PROVIDE** health care benefits to domestic partners.

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

NAYS: Representative Robinson

Mayor Cook and Representatives Holguin, Byrd, Quintana, and Robinson commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Ms. Barbara Horak
2. Rabbi Larry Bach
3. Mr. Paul Jensen
4. Mr. Van English
5. Mr. Darrell Parker
6. Mr. Alejandro Gomez
7. Mr. Tom Brown
8. Mr. Barney Field
9. Mr. Randy Graham
10. Mr. Manny Hinojosa
11. Mr. Caesar Campa
12. Mr. Terrence Owens
13. Ms. Lora Koen
14. Ms. Kati Houts
15. Ms. Sally Ponzio
16. Mr. Raul Martinez
17. Mr. Danny Steel
18. Mr. James Coulter
19. Mr. David Marcus
20. Mr. Barry Martin
21. Mr. William Ellis
22. Reverend Vinnie Carafano
23. Ms. Cristina Rivera
24. Mr. Bob Strong
25. Ms. Carol Cassady
26. Mr. Bill Ward
27. Mr. Robert Garza
28. Ms. Anna Marie Walsh
29. Mr. Mike Reuter
30. Ms. Yolanda Carrasco
31. Mr. Mike Halloran
32. Mr. Ron Webster
33. Ms. Elsa Yvonne Gomez
34. Mr. Salvador Gomez
35. Ms. Lisa Turner
36. Mr. Felipe Aguilar
37. Dr. Kathleen Staudt

- 38. Mr. Gilbert Gallegos
- 39. Mr. Greg Ivy
- 40. Ms. Clara Artiguan
- 41. Ms. Ana Lisa Cordova read a letter from Texas Senator Elliot Shapleigh

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 The City Council Meeting **RECESSED** at 1:07 p.m. and **RECONVENED** at 2:07 p.m.

20.

R E S O L U T I O N

That the City Manager be authorized to sign a Memorandum of Understanding, amending the Articles of Agreement between the City of El Paso and Local 51, International Association of Firefighters, Inc.

Mayor Cook commented.

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

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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 Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 3:12 p.m. in order to convene the Special City Council Meeting.

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 3:14 p.m.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

21.

R E S O L U T I O N

WHEREAS, on June 30, 2009, the City Manager of the City of El Paso filed the Fiscal Year 2010 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 4, 2009, 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 2010 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 25, 2009, 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, 2009, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2010, which begins on September 1, 2009 and ends on August 31, 2010.

2. That any balance in the General Fund on August 31, 2009 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 13, 2009, with a financial report showing all appropriations for Fiscal Year 2010 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) 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, 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 2010 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 any merit and competency increases for employees shall not be given until the fourth quarter of Fiscal Year 2010, 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 2010. No competency or merit increase shall be paid retroactively to an anniversary date or date of a performance evaluation. Any increases for other types of meritorious service, such as the certification pay established in Ordinance 8064, as amended, may be given by the City Manager in the manner provided for in the Ordinance.

17. That for purposes of recognizing the longevity of an employee's service, 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; 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.

18. That all merit increases, 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.

19. 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.

20. 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.

21. 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.

22. That any travel expenditure for a City Council member that exceeds the FY 2010 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. That the Full-Time Equivalent (FTE) positions funded by the FY 2010 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 Office of Management & Budget and shall show the impact on the FY 2010 Budget and the estimated impact on expenditures for Fiscal Year 2011.

28. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2010 Budget, shall be funded until the earlier of October 17, 2009 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.

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

30. 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 2010.

31. 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) (\$25,000 Unreserved Balance and \$150,000 Reserve for Maintenance) and any required cash, which must be maintained pursuant any bridge revenue bond covenants.

32. That all appropriations in the General Fund associated with outstanding purchase orders shall lapse at the end of Fiscal Year 2010, unless reviewed and approved not to lapse by the OMB Director.

33. 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.

34. 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.

35. 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 and that all funds exceeding the debt service requirement for the fiscal year be deposited to the General Fund.

36. 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.

37. That any balance in the General Fund as of August 31, 2009 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.

38. That any balance in the General Fund as of August 31, 2009 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.

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; Schedule C sets forth fees and formulas for calculating certain fees that are to be charged by the City for goods and services it provides; and Schedule D amends the City of El Paso Health Benefit Plan. 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 OMB director or his 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.

41. 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.

42. 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 OMB director or his designee. The OMB director or his designee shall maintain a list of all fees approved pursuant to this paragraph, which shall be made available to the public.

43. That the Council authorizes a schedule of fees for the Development Services Department that will phase-in increases to certain fees charged by the Department for permits, inspections and other services, with the goal being that the fees charged to the public beginning with FY 2012 will, to the extent allowed by law, reflect the City's full costs of providing the various services.

44. 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 \$66,983, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.

45. 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.

46. That the Council authorizes the continuing license for the El Paso City Employee's Pension Fund to occupy office space at City Hall for the convenience of City employees and that the City Manager be authorized to collect the City's indirect costs for the provision of such office space and the in-kind services provided to the El Paso City Employees Pension Fund.

47. That OMB shall immediately file, or cause to be filed a true copy of the FY 2010 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.

Mr. David Almonte, Director of Office of Management and Budget, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Ortega, and carried to **DIRECT** the City Manager to come back to Council by December 1, 2009, with a cost/benefit analysis on moving the Northeast Arraignment Court downtown.

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

NAYS: Representative Robinson

2ND MOTION

Motion made by Representative Acosta, seconded by Representative Ortega, and carried to **APPROVE** the Resolution, **AS AMENDED**, taking \$888,933 from contingency in order to set the tax rate at .633 per \$100 valued, the same as the current tax rate.

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

NAYS: Representative Holguin

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22.

ORDINANCE 17183

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING FY 2010 TAXES.**

Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Motion duly made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, that the Ordinance be **ADOPTED, AS REVISED, SETTING THE TAX RATE AT .633 PER \$100 VALUED.** 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**.

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Motion made by Mayor Pro Tempore Acosta, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 4:13 p.m.

NOT PRESENT FOR THE VOTE: Representative Lilly
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk