

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
MELINA CASTRO, 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 26, 2008  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Rachel Quintana, and Steve Ortega. Late arrivals: Melina Castro and Eddie Holguin, Jr. at 8:37 a.m. and Beto O'Rourke at 8:38 a.m. during Executive Session deliberations. Absent: Ann Morgan Lilly requested to be excused. The invocation was given by Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **LIFE INSURANCE AWARENESS MONTH**
2. **FIESTA DE LAS FLORES WEEK IN EL PASO**
3. **EMERGENCY PREPAREDNESS MONTH**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. James Perry
2. Mr. Jerry Thiedt
3. Ms. Heather McMurray
4. Ms. Ana Dueñez
5. Mr. Ray Gilbert

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

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

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

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

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

NOT PRESENT FOR THE VOTE:   Representatives Castro, Holguin, and O'Rourke  
ABSENT:           Representative Lilly

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:28 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representatives Byrd and O'Rourke  
ABSENT:           Representative Lilly

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**EX1.**   Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **POSTPONE** one week the item regarding Rafael Gardon vs. City of El Paso; Cause No. 2003-493.

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**EX2.**   The request of Texas Gas Service Company, an operating Division of ONEOK, Inc., for an Interim Rate Adjustment pursuant to Tex. Util. Code Ann §104.301 (GRIP Statute). (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that the Mayor and City Attorney's Office be **AUTHORIZED TO SIGN** the attached Resolution approving a negotiated interim rate adjustment to adjust the tariff for gas service within the City of El Paso with respect to the Interim Rate Adjustment filed by Texas Gas Service Company on May 23, 2008, which negotiated interim rates represent a reasonable amount of recovery due to changes in the value of invested capital in the El Paso service area for the period from March 31, 2007, through December 31, 2007, and such negotiated interim rates shall be effective for service rendered on or after September 5, 2008.

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

Representatives Quintana, Byrd, O'Rourke, Ortega, and Castro commented.

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

Mr. Norman Gordon, outside counsel, commented.

Ms. Lisa Turner, citizen, commented.

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**EX3.** The State of Texas vs. El Paso County Water Improvement District No. 1 and City of El Paso; Cause No. 2008-1559. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried that the City be **AUTHORIZED TO ENTER AN AGREEMENT** with the State of Texas to resolve the condemnation proceedings filed in the case styled The State of Texas vs. El Paso County Water Improvement District No. 1 and City of El Paso; Cause No. 2008-1559.

Mayor Cook commented.

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

Ms. Lisa Turner, citizen, commented.

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**EX4.** Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City authorize Outside Counsel for the City of El Paso to file documents related to the Bankruptcy plan in the case styled Asarco LLC, et al; Cause No. 05-21207 in the United States Bankruptcy Court as recommended by Outside Counsel.

Representative Quintana commented.

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

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**1. REGIONAL 911 BOARD**

Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the item on the El Paso County 911 District FY 2009 budget as presented by Joseph Lorkowski, Director of El Paso County 911 District.

Mayor Cook and Representatives Quintana and Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Joseph Lorkowski, Director of El Paso County 911 District, commented.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, 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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Lilly

**2. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 19, 2008, and the Special City Council Meeting of August 19, 2008 (Camino Real Regional Mobility Authority).

**3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS**

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of August 26, 2008.

**4A.**

**\*RESOLUTION**

**WHEREAS**, The New O.P.E.P (hereinafter referred to as "Grantee") is sponsoring an outdoor street festival (hereinafter referred to as "Event"), from Sunday, August 31, 2008, to Monday, September 1, 2008; and

**WHEREAS**, the Grantee has received administrative approval for a Special Privilege License for a street closure for less than twenty-four hours to temporarily close a portion of Ochoa Street, between First Street and Paisano Drive for the use and closure of public rights-of-way from 4:00 p.m. Sunday, August 31, 2008, to 4:00 a.m. Monday, September 1, 2008, in conjunction with the proposed Event; and

**WHEREAS**, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

**WHEREAS**, the Grantee desires to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Street and Paisano Drive from 7:00 p.m. Sunday, August 31, 2008, to 2:00 a.m. Monday, September 1, 2008.

**4B.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Huitt-Zollars, Inc., a Texas Corporation, to perform consulting services for a project known as "Gis Control Monument Surveying and Support" for a contract amount of \$73,880, and that the City Engineer be authorized to approve up to \$25,000 in additional services, for a total contract amount not to exceed \$98,880.

**4C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Raymond Malooly Trust and Raymond Malooly, Trustee U-D-T dated February 1, 1995, for \$140,000 for the purchase of

Parcel 1: A 0.735 acre parcel of land, more or less, out of Tracts C & D, Henderson Subdivision, El Paso, El Paso County, Texas, and

Parcel 2: A 0.165 acre parcel of land, more or less, out of Tract C, Henderson Subdivision, El Paso, El Paso County, Texas,

for the Bowen Street and Drainage Improvements Phase II Project.

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**5. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Henry Ng to the Construction Board of Appeals by Mayor John Cook.

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**6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend the current Contract 2004-193R Supplemental Life Insurance (Life, Dental, Vision, & Disability) for one additional year, pursuant to the provisions to an award approved by City Council on September 7, 2004. Contract period is September 1, 2008, through August 31, 2009.

Department: Office of Management & Budget/Insurance & Benefits  
Award to: Block Vision  
United Concordia-Dental  
Safeguard Health Plans-Dental  
ING Employee Benefits-Life  
UNUM-Disability Coverage  
Options: Two [of two]  
Account No.: 04100248 – 404469 – 45121  
Funding Source: Health Plan  
Total Est. Award: \$96,961

Mayor Cook and Representatives Castro and Quintana commented.

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

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**6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to SirsiDynix, the sole source developer, manufacturer, and distributor, who is the current provider of the Library Automation Software. Maintenance for the Dynix/Horizon Software can only be provided by SirsiDynix. Contract period is September 1, 2008, through August 31, 2009.

Department: Library  
Account No.: 39010351 – 502202 – 01101  
Funding Source: Information Services, Operating Account  
Total Est. Award: \$55,203.21  
Sole Source No.: 2006-196

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**6C. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Facilities Connection for furniture under Texas Multiple Award Schedule (TXMAS) contract number TXMAS-3-711050-6 (Office Furniture) in the amount of \$444,596.41 for the purchase and installation of office furniture for the new Municipal Services Center East Administrative Building at San Paulo. The participation by the City of El Paso in Texas Procurement and Support Services (TPASS) was approved by Mayor and City Council on February 27, 2007.

Department: Environmental Services  
Account No.: 34010289 – 508009 - 40403  
Funding Source: Environmental Services  
Total Amount: \$444,596.41  
Reference No.: 2008-243

Representatives O'Rourke commented.

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

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**7A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2008-164 (Point of Sale Software & Hardware - Furnish & Install) to US eDirect Inc., for a total award of \$90,214.

Department: Zoo  
Award to: US eDirect  
Huntington, NY  
Items: 1 to 9, 01, 02, 03  
Option: 24 months  
Account No.: 52010245 – 508010 – 01101  
Funding Source: Zoo General Operations/Data Processing Equipment/ Government Operations  
Total Award: \$71,278 (1<sup>st</sup> Year Cost)  
\$18,936 (Years 2 – 4 Service/Maintenance)

This is a one-time contract with the option to purchase additional quantities.

The Departments of Financial Services, Purchasing Division, and Zoo recommend award as indicated to the bidder offering the best value bid.

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**7B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2008-204 (Mosquito Control Chemicals) to B&G Chemicals & Equipment Co., Inc., for a total estimated award of \$78,244.90.

Department: Environmental Services  
Award to: B&G Chemicals & Equipment Co., Inc.  
Dallas, TX  
Items: 1 to 5 and 7 to 9  
Annual Est. Amount: \$78,244.90  
Option: 1 year  
Account No.: 34010293 – 503126 – 40403  
Funding Source: Solid Waste Management, Chemical Supplies

Total Est. Award: \$78,244.90

This is a one-year requirements type contract.

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.

The Departments of Financial Services, Purchasing Division, and Environmental Services recommend award as indicated to the lowest responsive, responsible bidder.

Representatives Acosta and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Terrence Freiburg, Purchasing Manager

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**7C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2008-216 (Mundy Park Improvements) to Allen Concrete, Inc., for a total estimated amount of \$118,296.72.

Department: Engineering  
Award to: Allen Concrete, Inc.  
                  El Paso, TX  
Base Bid: \$118,296.72  
Account No.: 71150069 – 508027 – 10063 – G7133CD0041  
Funding Source: Community Development Block Grant (CDBG) 33<sup>rd</sup> Year  
Total Est. Award: \$118,296.72

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 Departments of Financial Services, Purchasing Division, Engineering and, Parks and Recreation recommend award as indicated to the lowest responsive, responsible bidder.

Representative O'Rourke commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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**8A. & 8C – 8E.INTRODUCTIONS**

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

- A. An Ordinance extending 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.
- C. An Ordinance amending Ordinance No. 16086, establishing deadlines and procedures for placing matters on the agenda for City Council Meeting, to amend Section 4 relating to the provision of back-up materials accompanying agenda items.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2008, FOR ITEMS 8A AND 8C**

- D. An Ordinance changing the zoning of a portion of Tract 9, Picnic Grove Subdivision, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- E. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Article 1, (General Provisions), and Article IV, (On-premise Sign Regulations), Section 20.18.400 (General), of the El Paso City Code to allow changeable electronic variable message and digital signs and the penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2008, FOR ITEMS 8D – 8E**

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**8B. INTRODUCTION**

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

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

- B. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 12, to add a restriction on hiring former Commissioners as Hearing Officers and a restriction on the representation of employees by former Hearing Officers.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2008, FOR ITEM 8B**

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**9. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend Contract 2004-088R (800MHz Trunked Simulcast Radio System/800 MHz Conventional System Fixed Equipment Maintenance) which was awarded on August 29, 2006, to Motorola, Inc., for one additional year, from September 1, 2008, through August 31, 2009. Total award is \$710,935.08.

Department: Information Technology  
Option: Three of five  
Account No.: 39010352 – 502229 – 01101  
Funding Source: Telecommunications-Office Equipment Contracts  
Total Award: \$710,935.08

Mr. Terrence Freiburg, Purchasing Manager, commented

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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**10.**

**ORDINANCE 16973**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, HOTEL OCCUPANCY TAX REVENUE BONDS, SERIES 2008;" AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SALE AND DELIVERY OF SUCH BONDS INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND THE DELEGATION OF MATTERS RELATING TO THE SALE AND ISSUANCE OF THE BONDS TO AN AUTHORIZED CITY OFFICER OR EMPLOYEE WITHIN CERTAIN SPECIFIED PARAMETERS.**

Mayor Cook and Representatives Byrd, Holguin, and Castro commented.

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

The following member of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner
- 3. Mr. Ray Gilbert

Motion duly made by Mayor Pro Tempore Byrd, 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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None  
ABSENT: Representative Lilly

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

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**11A.**

**ORDINANCE 16974**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS PARCEL 3: A PORTION OF TRACTS 6 AND 7, I. F. HARRISON SURVEY NO. 54, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) AND A-2 (APARTMENT) TO R-5 (RESIDENTIAL); AND, PARCEL 4: ALL OF TRACT 7, I.F. HARRISON SURVEY NO. 54, TRACTS 3 AND 3A, J. BARKER SURVEY NO. 10, AND TRACT 4F2B, A. F. MILLER SURVEY 215, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM M-1 (LIGHT MANUFACTURING), R-3 (RESIDENTIAL) AND A-2 (APARTMENT) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

Mr. Conrad Conde, representing the applicant, commented.

Mr. Richard Schecter and Ms. Heather McMurray, citizens, commented.

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

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

NOT PRESENT FOR THE VOTE: Representative Ortega

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

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that Parcels 3 and 4 of the Ordinance be **ADOPTED**, and Parcels 1 and 2 be **DENIED**. 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: Representative Castro

ABSENT: Representative Lilly

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

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11B.

ORDINANCE 16975

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11 AND 12, BLOCK 13, SAHARA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Castro commented.

Motion duly made by Representative Castro, 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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O’Rourke

NAYS: None

ABSENT: Representative Lilly

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

11C.

ORDINANCE 16976

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Quintana commented.

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

Motion duly made by Representative Quintana, seconded by Representative Holguin, 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, Castro, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O’Rourke

ABSENT: Representative Lilly

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

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

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **RECONSIDER** the item.

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

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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Lilly

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

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**11D.**

**ORDINANCE 16977**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.08 (CITY PLAN COMMISSION), SECTION 2.08.010 (CREATION - MEMBERSHIP), TO RESTATE THE APPOINTMENT PROCESS FOR THE MEMBERSHIP TO BE IN CONFORMITY WITH THE CHARTER.**

Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Representatives Byrd commented.

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, that the Ordinance be **ADOPTED, AS AMENDED**. 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, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Lilly

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

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ITEMS TAKEN TOGETHER:

**11E.**

**ORDINANCE 16978**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL); CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION); TO AMEND SECTION 2.38.020 D (APPOINTMENT), TO NAME THE DEVELOPMENT SERVICES DEPARTMENT AS A DEPARTMENT TO WORK WITH THE COMMISSION.**

**11F.**

**ORDINANCE 16979**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) TO AMEND VARIOUS SECTIONS THEREUNDER PERTAINING TO THE DUTIES AND STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF 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.**

**11G.**

**ORDINANCE 16980**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 9 (HEALTH AND SAFETY) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES AND STRUCTURE TO THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF THE STAFF; THE PENALTY BEING AS PROVIDED IN SECTIONS 9.12.890, 9.32.150, 9.48.260, 9.50.130, 1.08.010 – 1.08.030, AND THROUGHOUT CHAPTER 9.52 OF THE EL PASO CITY CODE.**

**11H.**

**ORDINANCE 16981**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 12 (VEHICLES AND TRAFFIC) TO AMEND CHAPTER 12.44 (STOPPING, STANDING, AND PARKING GENERALLY), SECTION 12.44.190 C (OFF-STREET PARKING REQUIREMENTS FOR FOREIGN CONSULATES AND APPURTENANT EXHIBITION HALLS), RELATING TO THE DUTIES OF THE DEVELOPMENT SERVICES DEPARTMENT AND STAFF; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

**11I.**

**ORDINANCE 16982**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES) TO AMEND VARIOUS SECTIONS THEREUNDER PERTAINING TO THE DUTIES AND STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF 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.**

**11J.**

**ORDINANCE 16983**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 15 (PUBLIC SERVICES) TO AMEND CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES), RELATING TO DUTIES ASSIGNED TO THE DEVELOPMENT SERVICES DEPARTMENT AND THE DUTIES OF 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.**

**11K.**

**ORDINANCE 16984**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 17 (HOUSING) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES AND STRUCTURE OF THE**

**DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF 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.**

11L.

**ORDINANCE 16985**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 18 (BUILDING AND CONSTRUCTION) TO AMEND VARIOUS SECTIONS PERTAINING TO THE DUTIES STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF THE BUILDING OFFICIAL AND OTHER STAFF; AND TO AMEND CHAPTER 18.44 (GRADING), AND SECTIONS THEREUNDER, TO PROVIDE FOR THE INPUT AND ENFORCEMENT AUTHORITY OF THE CITY ENGINEER; THE PENALTY BEING AS PROVIDED IN SECTIONS 18.44.240, 18.46.180, AND 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE, AND THROUGHOUT EACH OF THE TECHNICAL CODES AS ADOPTED BY TITLE 18.**

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

ABSENT: Representative Lilly

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

.....

12.

**ORDINANCE 16986**

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCES NOS. 015703 AND 016420 FOR THE PURPOSE OF ABOLISHING THE BROWNFIELDS REDEVELOPMENT BOARD.**

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

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

Ms. Heather McMurray and Ms. Lisa Turner, citizens, commented.

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED**, on the condition that a new board will be created to address broader environmental issues. 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, Castro, Ortega, and O'Rourke

NAYS: Representative Quintana and Holguin

ABSENT: Representative Lilly

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

.....  
The City Council Meeting **RECESSED** at 12:22 p.m. and **RECONVENED** at 1:17 p.m.  
.....

**13.**

**ORDINANCE 16987**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES); TO AMEND SECTIONS 13.36.030 C (PERMIT APPLICATION) AND 13.36.050 C (COSTS AND FEES) TO CLARIFY THE PROVISIONS FOR REFUNDING OVERPAYMENTS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE EL PASO CITY CODE.**

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, commented.

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

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

NAYS: None

ABSENT: Representative Lilly

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

.....  
**14.**

**ORDINANCE 16988**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.77 (CITY TREE BOARD), SECTION 2.77.010 (COMMITTEE ESTABLISHED - MEMBERSHIP), SECTION 2.77.030 (DUTIES), SECTION 2.77.040 (MEMBERS SHALL HOLD NO OTHER PUBLIC OFFICE NOR RECEIVE COMPENSATION FOR THEIR SERVICE), SECTION 2.77.050 (QUORUM-FINAL ACTION).**

Mr. Joel McKnight, Assistant Director for Parks and Recreation, commented.

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

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

NAYS: None

ABSENT: Representative Lilly

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

.....  
**15.**

**RESOLUTION**

**WHEREAS**, the City Council adopted a juvenile curfew ordinance in or about 1996; and

**WHEREAS**, Texas Local Government Code Section 370.002 requires home-rule municipalities to review their juvenile curfew ordinances every three years to determine the effects on the community and on problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council conducted its last review of the City’s juvenile curfew ordinance in or about August 2005 and voted to continue said ordinance; and

**WHEREAS**, City Council must review the juvenile curfew ordinance in August 2008 in accordance with the Texas Local Government Code;

**WHEREAS**, the City Council has taken public comment at a public hearing held on August 26, 2008, regarding the continued need for the juvenile curfew ordinance.

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

(1) That the City Council has reviewed the effects of the City’s juvenile curfew ordinance, Sections 10.20.010 through 10.20.054 of the City Code, on the community and its effect on juveniles, crime and crime victims, in accordance with the Texas Local Government Code.

(2) That the City Council approves the report presented by the El Paso Police Department regarding the effects of the curfew and its impact on juveniles, crime and crime victims.

(3) That the City Council finds that the juvenile curfew ordinance should continue in its present form.

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

Assistant Police Chief Tom Whitten and Ms. Richarda Duffy Momsen, Municipal Clerk, commented

Ms. Marge Bartoletti, Rio Grande Safe Communities Coalition, commented.

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

NOT PRESENT FOR THE VOTE: Representative Castro

.....  
**16.**

**ORDINANCE 16989**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, PUBLIC PLACES), CHAPTER 13.25 (EL PASO ZOO), SECTION 13.25.010 (EL PASO ZOO FEES); ESTABLISHING ZOO ADMISSION, SPECIAL EVENTS AND FACILITY RENTAL FEES AND CREATING SPECIAL EDUCATION PROGRAMS; ADDING SPOUSES OF ACTIVE MILITARY TO MILITARY ADMISSION FEE REDUCTION; ADDING SPECIAL EDUCATION PROGRAM FEES; AND LIMITING BLOCK ADVANCED TICKET PURCHASES; WITH PENALTIES NOT TO EXCEED \$500 PER DAY PER VIOLATION AS PROVIDED IN SECTION 13.08.180 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana and Holguin commented.

Mr. Steve Marshall, Zoo Director, commented.

Motion duly made by Mayor Pro Tempore Byrd, 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 Byrd, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSENT: Representative Lilly

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

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

Motion made by Representative Holguin, seconded by Representative Quintana, and carried to **KEEP THE ELIGIBILITY REQUIREMENTS** for the program in place and to allow staff to research so as to remove from the Neighborhood Traffic Management Program (NTMP) streets that no longer meet the criteria of an arterial, with the City Representatives submitting streets in their districts to be reviewed to Engineering/Traffic within 30 days.

AYES; Representatives Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS; Representative Byrd

ABSENT: Representative Lilly

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kimberly Forsyth, Engineering Lead Planner
- 3. Mr. Alan Shubert, City Engineer
- 4. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 5. Mr. Ted Marquez, Engineering Division Manager

.....  
**18A.**

**RESOLUTION**

Approve additional funding in the amount of \$30,000 for the following project designated as a Community Housing Development Organization (CHDO) activity under the City's Fiscal Year 2006 HOME Grant Program for a total project budget of \$625,965.:

The Marvelous Light Corporation, Inc., aka Marvellous Light Corporation  
4421 Lawrence Avenue (79904) Project  
Acquisition, Design, and Construction -  
HOME Loan(s): \$315,000, interest at 0%  
HOME Secured Grant(s): \$310,965  
Total \$625,965; and

That the City Manager be authorized to sign a First Amendment to the CHDO-HOME Financial Terms Contract by and between the City and The Marvelous Light Corporation, Inc., aka Marvellous Light Corporation, a Community Housing Development Organization (CHDO); and

That the City Manager be authorized to sign a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) by and between the City, Marvelous Light Corporation, Inc., aka Marvellous Light Corporation, and the selected construction contractor, and any other related documents and/or revisions thereto, upon the recommendation of the Director of Community and Human Development, and the approval of the City Attorney's Office. (Funds for this project are available in Account: 09759-71150036/G7106HM-505201 (\$595,965) and 09760-71150036/G7107HM-505201 (\$30,000).

Representative Byrd commented.

Mr. William Lilly, Community and Human Development Services, commented.

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

NOT PRESENT FOR THE VOTE: Representative Quintana

.....  
**18B.**

**RESOLUTION**

That City Council adopt policies and priorities for the 35th Year (2009 - 2010) Community Development Block Grant (CDBG) Program, the 2009 - 2010 Emergency Shelter Grant (ESG) Program and the 2009-2010 Housing Opportunities for Person with AIDS (HOPWA) Program – if designated as a HOPWA entitlement community by the Department of Housing and Urban Development for 2009 - 2010, all such policies and priorities attached hereto as A through O; that City Council establish September 19, 2008, as the deadline for the submission of Letters of Intent from CDBG Social Service, Neighborhood Revitalization Strategy Area (NRSA) Partnership, ESG and HOPWA Partnership agencies; that City Council establish December 1, 2008, as the deadline for submission of HOPWA Partnership and NRSA Partnership pre-application packets; that City Council establish November 3, 2008, as the deadline for submission of all CDBG Social Service and ESG application packets; that City Council establish November 14, 2008, as the deadline for submission of all City Representative requests and citizen request forms; and that City Council establish January 9, 2009, as the final deadline for the submission of all 2009 - 2010 City Departmental, Code Enforcement, Economic Development, Fair Housing, HOPWA Partnership, Housing Services, NRSA Partnership and Public Facility application packets.

Mayor Cook and Representatives Ortega, Castro, and Holguin commented.

Mr. William Lilly, Community and Human Development Services, commented.

Ms. Billie Brown, Vice Chair of the Community Development Steering Committee, commented.

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

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

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

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

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

NAYS: Representative Ortega

ABSENT: Representative Lilly

.....  
**18C.**

**RESOLUTION**

**WHEREAS**, on July 19, 2005, the City Council for the City of El Paso adopted a five-year (2005 - 2010) Consolidated Plan that serves as a comprehensive housing affordability strategy, community development plan, and submission for funding under the Community Development Block Grant (CDBG) Program, which was submitted to the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, on June 26, 2007, the City Council for the City of El Paso first amended the 2005 - 2010 Consolidated Plan to comply with new HUD regulations that became effective March 13, 2006; and

**WHEREAS**, the City Council, based on the recommendation of the Director of the Community and Human Development Department and Department staff, now desires to again amend the 2005 - 2010 Consolidated Plan by adding a Neighborhood Revitalization Strategy Areas (NRSA) component to the CDBG Program; and

**WHEREAS**, on July 8, 2008, the City of El Paso published in the El Paso Times public notice and allowed a 30-day public comment period regarding the proposed amendment to the 2005 - 2010 Consolidated Plan and City Council has duly considered public comment, if any; and

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

1. That the 2005 - 2010 Consolidated Plan is hereby amended as follows:

Adding a Neighborhood Revitalization Strategy Area (NRSA) component, attached hereto as Attachment A, Appendix 7A, Appendix 7B and Attachments 1-4, which allows the City of El Paso to give priority consideration and the ability to focus CDBG funds toward the comprehensive revitalization of specific El Paso neighborhoods designated as NRSA's by HUD. For the purposes of this Amendment, the first two neighborhoods that would receive this designation from HUD are the Lower Dyer NRSA and the Chamizal NRSA; and

2. That the City Manager be authorized to take any actions necessary to accomplish the intent of this resolution upon approval by the City Attorney's Office and Director of Community and Human Development Department.

Mr. William Lilly, Community and Human Development Services, commented.

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

.....  
**18D.**

**RESOLUTION**

1. That City Council approves a funding commitment in the amount of \$155,000 for the following project under the City of El Paso's Housing Revolving Loan Fund:

Tropicana Building Corporation  
Montana Avenue and Rich Beem  
CDBG RLF: \$155,000

Loan Term: 2 years  
Interest Rate: Applicable Federal Rate (AFR), at time of closing

2. That the funding commitment is subject to an award of Low Income Housing Tax Credits to Tropicana Building Corporation for the Tres Palmas Apartment Complex under the Texas Department of Housing and Community Affairs 2008 Qualified Allocation Plan.

Funds for this project are available in Account: (G710RLFCDAH7115003909903).

Representatives Byrd, Quintana, Castro, and Holguin commented.

Mr. William Lilly, Community and Human Development Services, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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

.....  
**18E. COMMUNITY AND HUMAN DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution that the City Council approves a funding commitment to Investment Builders in the amount of \$100,000 for the Desert Villas Apartment Complex, subject to the award of Low Income Housing Tax Credits (LIHTC) by the Texas Department of Housing and Community Affairs.

.....  
**18F.**

**RESOLUTION**

1. That the following affordable housing developments be approved for funding commitments as recommended by the Director of Community and Human Development as listed below and as more specifically described in Attachment A attached hereto.

Developer: To Be Determined  
Project Type: Land acquisition/Construction of 30 Single-Family Units  
Project Address: Summerlin Subdivision (79924)/JKS Homes  
Project Amount: \$1,200,000

Developer: To Be Determined  
Project Type: Land acquisition/Construction of 50 Single-Family Units  
Project Address: Tres Suenos Subdivision (79938)/Tropicana  
Project Amount: \$2,000,000

Developer: HSC LLC  
Project Type: Rehabilitation of 43 Multi-Family Units  
Project Address: 719 Nino Aguilera (79901)  
Project Amount: \$2,001,417

Developer: MPV Development Inc.  
Project Type: Construction of 19 Multi-Family Units  
Project Address: 1001 Magoffin (79901)  
Project Amount: \$1,500,000

Developer: TVP Corporation  
Project Type: CHDO Construction of 10 Single-Family Homes  
Project Address: Lower-Dyer Neighborhood Revitalization Area (79930)  
Project Amount: \$600,000

- 2. That, excluding the funding commitments for the land acquisition projects, the City Attorney's Office review and that the City Manager be authorized to execute a HOME Financial Terms Contract between the City and each respective project developer as well as any related contract documents necessary to effectuate the awards and to secure and protect the City's lien interest.

Mr. William Lilly, Community and Human Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Byrd, Castro, and Acosta commented.

Mr. Jorge Almada, citizen, commented.

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

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

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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

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

AYES: Representatives Byrd, Acosta, Castro, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke

.....

19.

## RESOLUTION

That the City Manager be authorized to sign the Articles of Agreement between the City of El Paso and the El Paso Municipal Police Officers Association for the contract period covering September 1, 2008, through August 31, 2012.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Police Chief Greg Allen
4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
5. Sgt. Robert Gomez

Ms. Chris Borunda, outside counsel, gave legal advice.

The following member of the public commented:

1. Mr. Bobby Holguin, President of the El Paso Police Officers Association
2. Ms. Lisa Turner
3. Mr. Richard Wiles
4. Mr. William Ellis

### 1<sup>ST</sup> MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 3:58 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative Byrd

### 2<sup>ND</sup> MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 4:15 p.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

### 3<sup>RD</sup> MOTION

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

NOT PRESENT FOR THE VOTE: Representative Holguin

### 4<sup>TH</sup> MOTION

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Ellis an additional five minutes to address the Council.

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

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

AYES: Representatives Byrd, Acosta, Castro, Quintana, and Holguin

NAYS: Representatives Ortega and O'Rourke

.....  
**20A.**

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

**WHEREAS**, the City has determined that it is in the best interest of the residents of the City of El Paso, Texas, and other governmental entities it contracts with, to make provisions for the designation of the rabies control officer, in accordance with Health and Safety Code, §826.017; and

**WHEREAS**, state law allows for the officer designated to be the municipal health officer, animal control officer or any entity the Council considers appropriate.

**NOW, THEREAFTER, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:**

That the City Council designates the Veterinarian assigned to the Department of Public Health to be the rabies control officer for the City of El Paso, and in his absence, the City Council designates the Deputy Director of Public Health for the Department of Public Health assigned to oversee Animal Services, to be the rabies control officer for the City of El Paso.

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

.....  
**20B.**

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

That the Mayor be authorized to sign Interlocal Agreements between the City of El Paso, Texas ("City of El Paso") and the listed municipalities by and through its duly authorized officials, pursuant to the Interlocal Cooperative Act. Services are to be performed in each municipality, and any extraterritorial jurisdiction thereof where the City of El Paso may lawfully provide public health and other services as delegated and authorized under this Interlocal Agreement for the period of September 1, 2008 through August 31, 2009.

- Town of Anthony, Texas
- Town of Clint, Texas
- Town of Horizon City, Texas
- City of Socorro, Texas
- Village of Vinton, Texas

Representative Quintana commented.

Mr. Michael Hill, Director of Public Health, commented.

Motion made by Representative Holguin, seconded by Representative Acosta, and unanimously carried to **APPROVE** the Resolution.

.....  
**20C.**

**RESOLUTION**

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso ("City") and the County of El Paso ("County"), for the provision of public health services by the City and the County, and related matters, for the period of September 1, 2008 through August 31, 2009.

Representative Byrd commented.

The following City staff members commented:

- 1. Mr. Michael Hill, Director of Public Health
- 2. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 3. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services

Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **APPROVE** the Resolution, **AS REVISED**.

.....  
Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **ADJOURN** this meeting at 5:19 p.m.

.....  
**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk