

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 28, 2007  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alejandro Lozano, Melina Castro, Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:43 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 9:05 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

**SENATE PROCLAMATION**

**SENATE PROCLAMATION No. 242, PRESENTED BY  
SENATOR ELLIOT SHAPLEIGH,  
RECOGNIZING THE CITY OF EL PASO FOR RECEIVING THE  
"ADELANTE CON GANAS AWARD".**

Senator Elliot Shapleigh presented the award to the Mayor and Council.

Mayor Cook and Representative Lozano commented.

**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. Ms. Irma Montoya, La Mujer Obrera
2. Ms. Hilda Villegas, La Mujer Obrera
3. Mr. Jorge Artalejo
4. Mr. Steven Strumer
5. Mr. Ray Gilbert

6. Mr. Bill Hart, Jr.

Representative Castro commented.

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

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to adjourn the Executive Session at 9:15 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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**EX1.**   Jesus Luna, Jr. vs. City of El Paso, et. al., Cause No. EP-07-CA-0034.

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

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**EX2.**   Claim of Carlos Marquez, Our File No. 07-C-087/Parks.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimants' settlement demand in the claim of Carlos Marquez as Parent and next friend of Deanna C. Marquez, Our File No. 07-C-087/Parks.

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

NAYS: None

ABSTAIN:   Representatives Lozano, Quintana, and Holguin

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**EX3.**   Claims related to Raul Vargas.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and carried that the City Attorney be authorized **SETTLEMENT AUTHORITY** as to all claims related to the incident involving Raul Vargas, as recommended by the City Attorney, and that the Office of the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

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

NAYS: None

ABSTAIN:   Representatives Quintana and Holguin

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**EX4.**   Discussion and action on acquiring new facilities for the Parks Department's center programming and administration.

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

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**1. CITY MANAGER**

City Manager’s report of current events and issues:

Eventselfaso.com – El Paso events calendar launch: joint presentation from Museum of Cultural Affairs Department, Convention and Visitor’s Bureau, and El Paso County.

Ms. Yolanda Alameda, Director of Museums and Cultural Affairs, Mr. Rene Sanchez, County of El Paso Information Technology Department, and Ms. Terry Todd, Convention and Visitors’ Bureau, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O’Rourke

NAYS: None

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**2. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 21, 2007 and Special City Council Meeting Minutes of August 15, 2007 (Building Livable Communities), August 15, 2007 (First Public Hearing on proposed Tax Rate Increase), August 16, 2007 (Building Livable Communities), and August 22, 2007 (FEMA Work Session) and corrected Regular City Council Meeting Minutes for August 7, 2007, and August 14, 2007.

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

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

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**4A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Second Amendment to Forgivable Loan Agreement, a Subordination Agreement, acknowledgment and acceptance of a Deed of Trust, and Release of Lien, by and between the City of El Paso and Bienvivir Senior Health Services and JPMorgan Chase Bank, N.A., where applicable, in relation to the refinancing and operation of a senior adult day health care center and residential Alzheimer unit on the property located at 2300 McKinley Avenue.

Representative Castro commented.

Ms. Linda Thomas, Human Resource Director, commented.

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**4B.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 29th day of November, 2006, after due notice and hearing, ordered Frank Arteche and Martha Ruiz, record Owners of the hereinafter described property that the Building(s) be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building(s) and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Building(s) and clean the premises of all weeds, trash, and debris.

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

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

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

West 15 Feet of Lot 50 and all of Lots 51 and 52, Block 39, Altura Park Addition, an addition in the City of El Paso, El Paso County, Texas according to the map thereof on file in the office of the County Clerk, El Paso County, Texas; municipally known and numbered 3204, 3206, 3208 and 3210 Frankfort, El Paso, Texas,

to be \$1,883.54, performed by the Street Department of the City of El Paso, and \$1,981.24, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$3,864.78. The City Council finds that the work was completed on the 6<sup>th</sup> day of June, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$3,864.78 to be a lien on the above-described property.

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

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

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**4C.**

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

That the Mayor be authorized to sign a contract, between the City of El Paso, Texas Tech University Health Sciences at El Paso, and the El Paso County Hospital District d/b/a R. E. Thomason General Hospital, whereby Texas Tech agrees to provide medical control and direction to the City's EMS System, as well as other medical services, at a cost to the City in FY 2007-2008 not to exceed \$914,324, in FY 2008-2009 not to exceed \$898,883, and in FY 2009-2010 not to exceed \$908,592 and whereby Thomason Hospital agrees to act as the base station for the City's EMS System at no cost to the City. Said contract to have an effective date of September 1, 2007, and a termination date of August 31, 2010, with the option, upon mutual agreement by the parties, to extend the contract for 2 additional one year terms.

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4D.

**\*RESOLUTION**

That the Mayor be authorized to sign a contract, between the City of El Paso, Texas Tech University Health Sciences at El Paso, and the El Paso County Hospital District d/b/a R. E. Thomason General Hospital whereby Texas Tech agrees to provide medical control and direction to the City's EMS System, as well as other medical services, at a cost to the City in FY 2007-2008 not to exceed \$914,324, in FY 2008-2009 not to exceed \$898,883, and in FY 2009-2010 not to exceed \$908,592 and whereby Thomason Hospital agrees to act as the base station for the City's EMS System at no cost to the City. Said contract to have an effective date of September 1, 2007 and a termination date of August 31, 2010, with the option, upon mutual agreement by the parties, to extend the contract for 2 additional one year terms.

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4E.

**\*RESOLUTION**

That the Classification and Compensation Plan shall be amended, as set forth below, as recommended by the Civil Service Commission.

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **AIRFIELD MAINTENANCE SUPERVISOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **18325**. The Grade is **GS 53**.  
Salary Range: \$31,615.83 - \$50,516.57 (GS 53)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **AIRPORT OPERATIONS MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **14050**. The Grade is **EX 5**.  
Salary Range: \$63,727.00 - \$105,149.00 (EX 5)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **HISTORIC PRESERVATION OFFICER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15100**. The Grade is **PM 128**.  
Salary Range: \$45,788.24 - \$66,392.95 (PM 128)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **MICROBIOLOGIST** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **13225**. The Grade is **PM 124**.  
Salary Range: \$38,454.89 - \$53,836.85 (PM 124)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **UTILITY CONSTRUCTION ENGINEERING DIVISION MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **20100**. The Grade is **EX 3**.  
Salary Range: \$77,109.00 - \$127,231.00 (EX 3)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **SENIOR PLANS EXAMINER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **17343**. The Grade is **PM 124**.  
Salary Range: \$38,454.89 - \$53,836.85 (PM 124)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **CAPITAL PROJECTS INSPECTOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **17285**. The Grade is **GS 51**.  
Salary Range: \$29,286.64 - \$45,123.66 (GS 51)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **FISCAL OPERATIONS MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **12200**. The Grade is **EX 5**.  
Salary Range: \$63,727.00 - \$105,149.00 (EX 5)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **PRETREATMENT ASSISTANT MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **13270**. The Grade is **PM 125**.  
Salary Range: \$39,553.61 - \$57,352.73 (PM 125)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **PRETREATMENT MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **13730**. The Grade is **PM 132**.  
Salary Range: \$54,542.78 - \$81,814.17 (PM 132)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **UTILITY ENGINEERING DIVISION MANAGER** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **20110**. The Grade is **EX 3**.  
Salary Range: \$77,109.00 - \$127,231.00 (EX 3)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ASSISTANT MUNICIPAL CLERK** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **19115**. The Grade is **PM 132**.  
Salary Range: \$54,542.78 - \$81,814.17 (PM 132)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ARCHEOLOGY MUSEUM CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15243**. The Grade is **PM 124**.  
Salary Range: \$38,454.89 - \$53,836.85 (PM 124)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ARCHEOLOGY MUSEUM EDUCATION CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15233**. The Grade is **PM 124**.  
Salary Range: \$38,454.89 - \$53,836.85 (PM 124)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ART MUSEUM ASSISTANT CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15260**. The Grade is **PM 122**.  
Salary Range: \$34,879.72 - \$48,831.61 (PM 122)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ART MUSEUM ASSISTANT EDUCATION CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15250**. The Grade is **PM 122**.  
Salary Range: \$34,879.72 - \$48,831.61 (PM 122)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ART MUSEUM CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15240**. The Grade is **PM 124**.  
Salary Range: \$38,454.89 - \$53,836.85 (PM 124)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **ART MUSEUM SENIOR EDUCATION CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15210**. The Grade is **PM 125**.  
Salary Range: \$39,553.61 - \$57,352.73 (PM 125)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **HISTORY MUSEUM SENIOR CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15225**. The Grade is **PM 125**.  
Salary Range: \$39,553.61 - \$57,352.73 (PM 125)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **HISTORY MUSEUM SENIOR EDUCATION CURATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **15215**. The Grade is **PM 125**.  
Salary Range: \$39,553.61 - \$57,352.73 (PM 125)

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of **STREETS ASSISTANT DIRECTOR – INTERNATIONAL BRIDGES** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **17615**. The Grade is **EX 3**.  
Salary Range: \$77,109.00 - \$127,231.00 (EX 3)

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Linda Thomas, Human Resource Director
3. Mr. David Almonte, Director of Office of Management and Budget

Mr. Richard Schecter, citizen, commented.

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**5A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Marjorie Martie Jobe to the Public Utility Regulation Board by Mayor John Cook.

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**5B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Patricia Valdez-Rios to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Mayor John Cook.

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**6A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Irasema Coronado to the Committee on Border Relations by Representative Susie Byrd, District 2.

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**6B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Joseph Jimenez to the Information Technology Advisory Board by Representative Rachel Quintana, District 5.

**6C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Susan Goodman Novick to the History Museum Board by Representative Susie Byrd, District 2.

**7A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

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

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

**7B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, 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 2004-021R (Public Officials Errors & Omissions Liability Insurance) which was awarded on February 3, 2004, to the vendor listed below, for one additional year, from September 1, 2007, through August 31, 2008.

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

**8A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-212 (Aerial Boom Lift, Self Propelled) to Globe Electric Co., Inc. for a total amount of \$104,158.70.

Department: Zoo  
Award to: Globe Electric Co., Inc.  
Houston, Texas  
El Paso, Texas  
Item(s): 1. Aerial Boom Lift, Self Propelled - Qty. 1 @ \$90,690/each  
#O-1 Welder Package @ \$9,785

#O-2 Generator @ \$3,080  
#O-3 Platform Work Lights @ \$477  
#O-4 Tool Tray @ \$126.70

Option: Vendor offers an option to purchase up to 100% of the original contract quantities, at the same unit price, if the option is exercised within ninety days from the date of award of the contract. No prompt payment discount was offered.

Account No.: 508006 – 27507 – 37150068 - PFLESVC01  
Funding Source: Equipment Replacement Fund  
Total Estimated Award: \$104,158.70

This is a fixed-price, single (one-time) purchase.

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

Representatives Ortega and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Almonte, Director of Office of Management and Budget
3. Mr. Jeff Belles, Director of General Services

Mr. Ray Gilbert, citizen, commented.

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**8B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-216 (Fire Station No. 18 Driveway Improvements) to BXW Electrical Rebuilders, Inc., for an estimated total amount of \$44,532.25.

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.

Department: Fire  
Award to: BXW Electrical Rebuilders, Inc.  
El Paso, Texas  
Items: Base Bid I: \$44,532.25  
Total Estimated Award: \$44,532.25  
Account No.: PBE04F1101-14200404-29158-508027  
Funding Source: 2004 Bonds

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 will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the project and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract

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

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**8C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-235 (Newspaper Legal Notices) to Texas New Mexico Newspaper Partnership dba El Paso Times and Investor Publications, Inc. dba El Paso Inc., for a total estimated award of \$300,000.

Department:		Financial Services, Purchasing Division
Award to:	Vendor 1:	Texas New Mexico Newspaper Partnership, dba El Paso Times El Paso, Texas
	Vendor 2:	Investor Publications, Inc., dba El Paso Inc., El Paso, Texas
Items:		All
Option:		Two years
Annual Estimated Amount:		\$100,000
Account No.:		Various
Funding Source:		Various
Total Estimated Award:		\$300,000

This is a service requirement type contract.

The Department of Financial Services, Purchasing Division, recommends award as indicated.

Representatives Ortega and Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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**9A. INTRODUCTION**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the introduction an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended to add a proposed Lee Trevino extension from North Loop Drive and connecting to Border Highway (Loop 375) through Padres Drive.

Mayor Cook and Representative Holguin commented.

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

**9B. INTRODUCTION**

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

An Ordinance amending Ordinance 16015 (Granting the Authority to the City Manager to enter into and sign certain contracts on behalf of the City and to sign certain documents) to increase contracting authority consistent with Senate Bill No. 1765.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 4, 2007, FOR ITEM 9B**

**10A.**

**RESOLUTION**

**WHEREAS**, on July 3, 1984, City Council adopted the document entitled "Policy Statement, The Duties and Responsibilities of the Purchasing Director" as guidelines for future City procurement;

**WHEREAS**, Senate Bill No.1765, effective September 1, 2007, amends Texas Local Government Code Section 252.021 requiring municipalities to comply with competitive bidding requirements for contracts that require expenditures of more than \$50,000, thereby increasing the threshold from \$25,000 to \$50,000; and

**WHEREAS**, in the interest of efficiency of administrative governmental operations, Administration wants to increase the competitive bidding threshold to \$50,000 to be consistent with State law.

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

That the Resolution passed by City Council on July 3, 1984, adopting the document entitled "Policy Statement, The Duties and Responsibilities of the Purchasing Director" is hereby amended to increase the threshold contract amount at which the City must seek a competitive bid from \$25,000 to \$50,000, and increasing informal bid purchases up to \$50,000.

Mr. Ray Gilbert, citizen, commented.

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

NOT PRESENT FOR THE VOTE: Representative Castro

ITEMS TAKEN TOGETHER:

**10B. FINANCIAL SERVICES**

The award of Solicitation No. 2007-073R (City-Wide Energy and Operational Savings Program) to Johnson Controls, Inc. for a total award of \$240,000.

Department: General Service  
Award to: Johnson Controls, Inc.  
Irving, TX  
Items: All

Account No.: 31010328 – 01101 - 502226  
Funding Source: Building Maintenance-Operating Account-  
Bldg/Facilities Maintenance Contracts  
Total Award: \$240,000

The Review Committee based on evaluation factors established for this RFQ recommend award to Johnson Controls, Inc. the highest rated firm. The Departments of Financial Services and General Service recommend award as indicated.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

**10C.**

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

**WHEREAS**, on August 14, 2007, the City of El Paso (the "**City**") approved an energy performance contract with Johnson Controls, Inc. to provide an assessment of City Facilities and proposal for implementing projects to complete energy-saving improvements (the "**Projects**"); and

**WHEREAS**, the City desires to identify and select those Projects that are, at the City's sole discretion, most beneficial and advantageous to the City; and

**WHEREAS**, such Projects will save the City money through reduced utility expenditures; and

**WHEREAS**, the State Energy Conservation Office of the State of Texas allows municipalities to apply and obtain loans for these type of Projects through its Texas LoanSTAR (loans to Save Taxes And Resources) Program at a reasonable interest rate for up to a maximum term of ten (10) years (the "**Loan**"); and

**WHEREAS**, the City desires to apply for such Loan in order to finance the selected Project(s) and proposes to pay for the Loan out of projected savings realized by the improvements made.

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

**THAT**, the City Manager is hereby authorized to submit an application to the Texas LoanSTAR Program for a Loan from available state funding in an amount not to exceed \$5,000,000 for Projects to be selected by the City. Further, the City Manager is hereby authorized to execute any and all necessary documents and/or agreements resulting from approval of the application.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Jeff Belles, Director of General Services

Mr. Jessie Thompson, Johnson Controls, commented.

Mr. Ray Gilbert and Mr. Dan Chavez, citizens, commented.

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

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

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

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

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

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

Representative Castro was not present for the vote.

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**11A.**

**RESOLUTION**

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Frank X. Spencer & Associates, Inc. to perform professional services for a project known as "Surveying Consulting Services" in an amount not to exceed \$1,000,000 for two years.

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

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

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

.....  
**11B.**

**RESOLUTION**

That the City Manager is hereby authorized to sign a Professional Services Agreement by and between the City of El Paso and Dorado Engineering, Inc., a Texas Corporation, for Surveying Consulting Services in an amount not to exceed \$1,000,000.

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

.....  
**12. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of portions of Tracts 51 & 52, Cineque Park Subdivision, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-5 (Residential) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Representatives Ortega, Lozano, and Castro commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Mr. Andres Lopez, representing the applicant, commented.

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **DENY** the Ordinance.

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

.....  
13.

**ORDINANCE 16728**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 SCHEDULE IV (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH H (NO PARKING 7:00 A.M. TO 5:00 P.M.) OF THE EL PASO CITY CODE, TO ADD A NEW LOCATION OF COMMERCE AVENUE BETWEEN HUMBLE PLACE AND HAWKINS BOULEVARD, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE; AND AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE TO DELETE PARAGRAPH 138. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Lozano commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

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

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14.

**ORDINANCE 16729**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN IN ITS ENTIRETY.**

Mayor Cook commented.

Ms. Linda Thomas, Human Resource Director, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, and Ortega  
NAYS: None

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

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

.....  
Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 11:00 a.m. in order to convene the Mass Transit Department Board Meeting.

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

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 11:12 a.m.

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**15.**

**ORDINANCE 16730**

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2008 TAXES.**

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

Mr. David Almonte, Director of Office of Management and Budget, commented, and City Attorney Charlie McNabb gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Ray Gilbert
- 3. Mr. David Chavez

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

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

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

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert an additional three minutes to address the Council.

AYES: Representative Lilly, Lozano, Castro, Quintana, and Holguin

NAYS: Representatives Byrd, Ortega, and O'Rourke

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

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing.

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

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried to **APPROVE** the property tax increase by the adoption of a tax rate of 0.671097 and that property taxes be increased by the adoption of a tax rate of 0.671097 and further, that this Tax Rate consists of a rate of 0.453294 for the General Fund for the purpose of defraying current municipal expenses and 0.217803 to pay the interest on and provide a Sinking Fund to redeem bonds on a total Levy for Special Purposes. This tax rate will raise more taxes for

maintenance and operations than last year's tax rate. The tax rate will raise taxes for maintenance and operations on a \$100,000 home by approximately \$10.18.

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

NAYS: Representatives Castro, Quintana, and Holguin

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**16A. MAYOR AND COUNCIL**

Discussion and action to determine whether the LULAC Fiesta De Las Flores "Senior Dance" event can be considered a Municipal Purpose and whether or not City Council Members can donate from their discretionary funds to this event and discussion and action as to the distribution of the tickets for said event.

Representatives Lozano and Castro commented.

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

Mr. Ray Mancera, Representative from LULAC 132, commented.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried **FINDING A PUBLIC PURPOSE** in the LULAC Fiesta De Las Flores Senior Dance event and **APPROVING** the use of discretionary funds.

Representative O'Rourke was not present for the vote.

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**16B. MAYOR AND COUNCIL**

Discussion and action on proposed speed bump for 4400 General Maloney. Representative Castro would like to revisit this issue to see if the City can honor the original approval of this speed bump.

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

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. Bill Hart, citizen, commented.

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **APPROVE** the installation of a speed bump.

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**16C.**

**RESOLUTION**

That the City Council of the City of El Paso endorses the candidacy of Mayor John Cook for Texas Municipal League President-Elect 2007- 2008.

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

Mayor Cook commented.

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**16D. MAYOR AND COUNCIL**

Discussion and action by City Council to consider an across the board reduction of the City of El Paso's budget by 2% for each department.

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

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

Mr. Ray Gilbert, citizen, commented.

Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **DELETE** the item.

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

NAYS: Representatives Quintana and Holguin

NOT PRESENT FOR THE VOTE: Representative Lozano

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**17A.**

**RESOLUTION**

That City Council adopt policies and priorities for the 34th Year (2008-2009) Community Development Block Grant (CDBG) Program and for the Fiscal Year 2008 Emergency Shelter Grant (ESG) Program, all such policies and priorities attached hereto as A through N; that City Council establish October 1, 2007 as the deadline for the submission of Letters of Intent from CDBG Social Service and ESG agencies; that City Council establish November 16, 2007 as the deadline for City Representative requests and citizen request forms; that City Council establish November 26, 2007 as the deadline for the submission of all CDBG Social Service and ESG application packets; and that City Council establish January 11, 2008 as the final deadline for the submission of 34th Year CDBG Housing, Economic Development, Public Facilities, Planning and City Department application packets.

Representatives Ortega and Holguin commented.

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

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

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**17B.**

**RESOLUTION**

**WHEREAS**, in 2006 the City Council approved the Capital Budget, which included funding for the Neighborhood Improvement Program ("NIP"); and

**WHEREAS**, the Program's total budget is \$1,000,000; however, these funds have been apportioned equally among El Paso's eight Representative Districts, with each District being allocated \$125,000 of available NIP funds, and with no individual Neighborhood Improvement Project to exceed \$50,000 of NIP funds; and

**WHEREAS**, on April 17, 2007, City Council approved the Neighborhood Improvement Projects for the first round of NIP funding, which the NIP Review Committee had recommended for expenditure of the designated NIP funds and City Council directed the City Manager to proceed with allocation of the funds from the Capital Budget for the approved NIP projects; and

**WHEREAS**, the NIP Review Committee's recommendation to approve the NIP project submitted by the Thomas Manor Neighborhood Association (Dist. No. 7) contained a typographical error, listing the project budget as \$39,960, instead of the actual recommended amount of \$49,800.00, which is an amount that does exceed the funding limit per each NIP project.

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

1. That City Council hereby approves, as corrected, the Neighborhood Improvement Project submitted by the Thomas Manor Neighborhood Association (Dist. No. 7) which the NIP Review Committee has recommended for expenditure of designated NIP funds from the Capital Budget approved in 2006, in the amount of \$49,800.00 for that project.
2. That the City Manager or a designee is directed to proceed with allocation of the funds from the Capital Budget for the Thomas Manor Neighborhood Association NIP project, as corrected, in order to begin implementation of this approved NIP project.

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

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**17. CITY MANAGER**

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Ortega, Lozano, Holguin, and Byrd commented.

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

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Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 1:28 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk