

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
SEPTEMBER 11, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:36 a.m. during Executive Session deliberations, Melina Castro at 9:06 a.m., Rachel Quintana at 9:10 a.m., and Jose Alejandro Lozano at 9:48 a.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. LIFE INSURANCE AWARENESS MONTH**
- 2. SURGICAL TECHNOLOGISTS WEEK**
- 3. EL PASO FORD DEALERS SOUTHWESTERN INTERNATIONAL PROFESSIONAL RODEO COWBOYS ASSOCIATION (PRCA) RODEO WEEK**

RECOGNITIONS

TRIBUTE TO 9/11 ANNIVERSARY

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Sam Snoddy
2. Mr. Steven Strumer
3. Ms. Carolyn Esparza

Mayor Cook commented.

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Snoddy an additional two minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representative Lozano

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

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

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Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE: Representatives Lozano, Castro, Quintana, and Holguin

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to adjourn the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lozano, Castro, Quintana, and Holguin

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EX1. Jorge Berry vs. City of El Paso and Civil Service Commission; Cause No. 2006-4076. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Jorge Berry v. Civil Service Commission of the City of El Paso, cause no.: 2006-4076

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

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Motion made by Alternate 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 Lilly, Byrd, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lozano

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Regular City Council Meeting of September 4, 2007.

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

1ST MOTION

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor Pro Tempore Lozano from the September 11, 2007, City Council meeting.

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **RECONSIDER** the item and **UN-EXCUSE** Mayor Pro Tempore Lozano as he arrived at the meeting at 9:48 a.m.

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3.

R E S O L U T I O N

That the City expend additional available funding in the amount of \$65,000 to CSA Engineers to fund additional labor and materials for Contract Number 2006-132, Davis Drive Street & Drainage Improvements Project.

Mayor Cook and Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Irene Ramirez, Assistant City Engineer, commented.

1ST MOTION

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

2ND MOTION

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

3RD AND FINAL MOTION

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

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael R. Gibson to the Airport Board by Representative Susie Byrd, District 2.
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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Buddy Ray York to the Committee on Border Relations, to fill an unexpired term, by Representative Melina Castro, District 4.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Park Kerr to the Empowerment Zone Advisory Board by Representative Ann Morgan Lilly. District 1.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Manny L. Razo to the City Accessibility Advisory Committee by Representative Steve Ortega, District 7.

5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Raymundo Rodriguez to the Ethics Review Commission, to fill an unexpired term, by Representative Susie Byrd, District 2.

6. PURCHASING

*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 Contact 2005-249 (Vactor Proprietary Parts) which was awarded on September 27, 2005, to the vendor listed below, for two additional years from September 27, 2008, to September 26, 2010.

Department: General Services-Fleet Division
Award to: Kinloch Equipment & Supply, Inc.
Arlington, Texas
Option No.: One of One
Total Amount: \$60,000 (total for two years extension)
Account No.: 37370510 – 503121 – 503127 - 45202
Funding Source: General Services-Fleet Division, Fleet Services Internal Service Fund

7. BEST VALUE PROCUREMENT

The award of Solicitation No. 2007-226 (Janitorial Services – Central and Westside Park Facilities) to Carefree Janitorial Services and Global Clean for a total estimated award of \$172,529.52.

Department: Parks and Recreation
Award to: Vendor 1: Carefree Janitorial Services
El Paso, Texas
Items: 1A and B and 3A and B
Annual Estimated Amount: \$22,076.60
Option: Extend initial term of contract for two additional years prior to expiration of current term.
Total Estimated Award: \$66,229.80
Award to: Vendor 2: Global Clean
El Paso, Texas
Items: 2A and B and 4A and B

Annual Estimated Amount: \$35,433.24
Option: Extend initial term of contract for two additional years prior to expiration of current term.
Total Estimated Award: \$106,299.72

Account No.: 51010256 – 01101 - 502206
Funding Source: General Funds and Recreation Center Users Fees
Total Estimated Award: \$172,529.52

This is a 36-month contract.

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

Representatives Byrd, Ortega, Holguin, and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **REJECT** all bids for Solicitation No. 2007-226 (Janitorial Services – Central and Westside Park Facilities).

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8. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2007-193 (Mesa Drain Safety Improvements) to Southwest Growth Corporation for an estimated total amount of \$223,981.90.

Department: Streets Department
Award to: Southwest Growth Corporation
El Paso, Texas
Base Bid I: \$217,951.90
Alternate 1: \$6,030
Total Estimated Amount: \$223,981.90
Account No. G7128CD0061 – 71150069 – 07760 - 508027
Funding Source: Community Development Block Grant

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 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 work 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, Engineering, and Streets recommend award as indicated to the lowest responsive, responsible bidder.

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9A. – 9B. INTRODUCTIONS

Motion made by Representative Ortega, seconded by Representative Byrd, 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:

- A. An Ordinance 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 add a new location on the east side of the alley from the 900 block of San Antonio E. Avenue to the 900 block of Overland E. Avenue between Saint Vrain Street and Virginia Street. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing – Tow-Away Zone), of the El Paso City Code to add a new location of Calleros Court and Chihuahua Street east side from Calleros Court to its terminus and west side from a point 60-feet south of Calleros Court to its terminus. 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 341. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 18, 2007, FOR ITEMS 9A – 9B

NOT PRESENT FOR THE VOTE: Representative Lozano

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10. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **AWARD** Bid Solicitation No. 2007-217 (Micro-Surfacing Program 2007) to Ballou Construction, Inc., of Salina, Kansas, for an estimated total amount of \$609,840.

Department:	Streets
Award to:	Ballou Construction, Inc. Salina, Kansas
Items:	Base Bid I: \$609,840
Total Estimated Award:	\$609,840
Option:	Option to extend 60 additional days no later than 15 days prior to the expiration of the original contract term.
Account No:	PCP06ST011 – 99331117 – 27263 - 508027
Funding Source:	FY 06 Certificates of Obligation

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

As part of the award of this contract, the Director of Streets Department may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work 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 Requirements type, low bid, unit-price contract for a period of 60 days.

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

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

Mayor Cook and Representative Castro commented.

Mr. Daryl Cole, Director of Street Department, commented.

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11A.

ORDINANCE 16737

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 1C, BLOCK 8, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Motion duly made by Representative Ortega, 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 Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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11B.

ORDINANCE 16738

The City Clerk read an Ordinance entitled: **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 Representatives Lozano, Holguin, Ortega, Castro, Lilly, O'Rourke, Byrd, and Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

The following members of the public commented:

1. Tigua Indian Tribe Governor Arturo Senclair
2. Mr. Salvador Ramirez
3. Mr. Eduardo Talamantes
4. Mr. Mike Lara
5. Mr. Jesus Padilla, Sr.
6. Mr. Epifanio Martinez
7. Sister Gloria Escamilla
8. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
9. Mr. Martin Gutierrez
10. County Commissioner Miguel Teran

1ST MOTION

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

2ND MOTION

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Governor Senclair unlimited time to address the Council.

3RD MOTION

Motion duly made by Mayor Pro Tempore Lozano, seconded by Representative Quintana, to **DELETE** the Ordinance and to **DELETE** the amendment from the 2025 Plan and ask the Metropolitan Planning Organization (MPO) to remove it from its plan. **THE MOTION FAILED.**

AYES: Representatives Lozano, Castro, Quintana, and Holguin

NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

4TH AND FINAL MOTION

Motion duly made by Representative Ortega, seconded by Representative Lilly, that the Ordinance be **ADOPTED** with the policy goals stated in the outline presented by Representative Steve Ortega with three changes: to mitigate the impact on the Ysleta del Sur Nation, to negotiate with the tribe; and to request a minor arterial, not a major arterial. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:. 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: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Lozano, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

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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11C. PUBLIC HEARING – DEVELOPMENT SERVICES

An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 2: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 3: a portion of Sections 10, 11, and 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 4: a portion of Section 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment); Parcel 5: a portion of Sections 2 and 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) ; Parcel 6: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); and, Parcel 7: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Ms. Kelly Carpenter, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Castro, Lilly, O’Rourke, Ortega, and Byrd commented.

Mr. Conrad Conde, representing the applicant, commented.

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

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12A.

ORDINANCE 16739

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION “F” (THIRTY-FIVE MILES PER HOUR), AND SUBSECTION “G” (FORTY MILES PER HOUR), OF THE EL PASO CITY CODE TO AMEND THE SPEED LIMITS ON CAROLINA DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

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, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative 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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12B.

ORDINANCE 16740

The City Clerk read an Ordinance entitled: **AN ORDINANCE 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 ADD A NEW LOCATION OF HIGH RIDGE DRIVE BETWEEN RESLER N. DRIVE AND THE ENTRANCE OF THE WESTSIDE REGIONAL PARK. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative 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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12C.

ORDINANCE 16741

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING, AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS), SUBSECTION B, TO AMEND TO READ FUNERAL ZONE: MUST BE ADJACENT TO A MORTUARY, FUNERAL HOME, OR CHURCH. VEHICLES OF THE MORTUARY OR FUNERAL HOME, WHILE USED IN ITS BUSINESS, MAY USE THE ZONE AT ANY TIME; OTHER VEHICLES MAY NOT PARK OR STAND IN THE ZONE EXCEPT WHEN PART OF A FUNERAL PROCESSION. THE PENALTY BEING AS PROVIDED IN SECTION 12.48.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative 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 Lilly, Byrd, Lozano, Castro, Quintana, Holguin, and Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative 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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13A. MAYOR AND COUNCIL

Discussion and action on sending the finalized and approved study completed by Kimley-Horn & Associates for the City of El Paso of the proposed Airways Extension (from Airways to Delta and Trowbridge Streets) to the Metropolitan Planning Organization (MPO) for implementation and development.

Representative Lozano and Ortega commented.

Ms. Terry Quezada, Capital Improvement Program Administrator, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **POSTPONE** the item one week.

2ND MOTION

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

NO ACTION, other than the above procedural Motions, was taken on the item.

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13B. MAYOR AND COUNCIL

Discussion and action concerning code enforcement on City's utility easements.

Mayor Cook and Representatives Ortega, Lozano, Holguin, and Lilly commented.

Ms. Ellen Smyth, Director of Environmental Services, commented, and Deputy City Attorney Laura Gordon gave legal advice.

NO ACTION was taken on the item.

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14A.

R E S O L U T I O N

WHEREAS, the City of El Paso is interested in promoting the construction of sustainable buildings that are protective of the environment, energy efficient and safe ("Green Buildings") through the development and implementation of a grant program for builders interested in constructing new or renovating existing buildings into Green Buildings; and

WHEREAS, On January 6, 2006, the City Council authorized the City Manager to enter into an agreement with the El Paso Electric Company (EPE) to accept Palo Verde Performance Awards from EPE to be used to pay for demand-side management programs, which could include such projects as a grant program intended to increase the number of Green Buildings in the City of El Paso:

WHEREAS, the City of El Paso finds that the development and implementation of a grant program intended to provide for the increase in the number of sustainable buildings within the City of El Paso is a direct benefit to the environment, is in the best interest of the public and will benefit the City of El Paso and its citizens, and as such, constitutes an important public purpose or benefit to the City, for which the City is willing to expend resources;

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

- I. THAT the City of El Paso’s Green Building Grant Program is hereby established;
- II. THAT the City of El Paso’s Green Building Grant Program Guidelines, which are attached hereto as **Exhibit “A”**, are hereby adopted; and,
- III. THAT the City Manager be authorized to execute any and all documents related to the establishment and operation of the City of El Paso’s Green Building Grant Program.

Mayor Cook and Representatives Castro and Ortega commented.

Ms. Joyce Wilson, City Manager, and Dr. Kathryn Dodson, Director of Economic Development, commented.

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

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14B.

R E S O L U T I O N

WHEREAS, on October 31, 2006, the City Council of the City of El Paso (“the Council”) passed and approved Ordinance No. 016487, incorporating the Downtown 2015 Plan (“the Plan”) into the City’s comprehensive plan entitled The Plan for El Paso and directing the City Manager to prepare an Implementation Strategy for execution of the Plan, with particular focus to phasing, implementation tools, and financing mechanisms to be utilized to carry out the intent of the Plan; and

WHEREAS, the Plan envisioned that the Implementation Strategy would include a package of incentives and policies that will encourage economic growth and renewed investment and improvement in the whole of downtown; and

WHEREAS, the City desires to implement a Downtown Facade Improvement Program (“the Program”), as one of several incentive programs that are part of the Implementation Strategy for the Plan; and

WHEREAS, the Program purpose is to provide matching grants to existing downtown businesses and/or property owners to cure deteriorated conditions and encourage improvement and rehabilitation of their properties in the Plan area; and

WHEREAS, in 2003, the Downtown Management District (DMD) developed and administered a similar facade improvement program in partnership with the City and has agreed to provide technical assistance and a financial contribution to the City’s Program; and

WHEREAS, the Council finds that the Program would be in the public interest and serves an important public purpose in that assisting to cure deteriorated conditions, increasing economic development, and making Downtown El Paso attractive and serviceable to all is a public benefit to the citizens of El Paso.

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

- I. THAT the City of El Paso’s Facade Improvement Program is hereby established; and
- II. THAT the City of El Paso’s Facade Improvement Program Guidelines, which are attached hereto as **Exhibit “A”**, are hereby adopted; and
- III. THAT the City Manager is hereby authorized to execute any and all documents related to the administration and operation of the City of El Paso’s Facade Improvement Program and to the awarding of matching grant funds.

Representatives O’Rourke, Lozano, Byrd, Castro, and Quintana commented.

Ms. Joyce Wilson, City Manager, and Dr. Kathryn Dodson, Director of Economic Development, commented.

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

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

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 Motion made by Mayor Pro Tempore Lozano, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:15 p.m.

NOT PRESENT FOR THE VOTE: Representative Quintana

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk