

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHIEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
SEPTEMBER 20, 2011  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Michiel R. Noe, Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Eddie Holguin, Jr. at 8:36 a.m. during Executive Session deliberations and Emma Acosta at 8:38 a.m. during Executive Session deliberations. The invocation was given by Border Patrol Chaplain Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **SURGICAL TECHNOLOGISTS WEEK IN EL PASO**
2. **LINCOLN PARK DAY**
3. **HISPANIC HERITAGE CELEBRATION MONTH**

**PRESENTATION**

**SAFE ROUTES TO SCHOOL PROGRAM – WALKABILITY STUDY**

**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. John Conwell
2. Mr. Bill Addington
3. Ms. Lisa Turner
4. Mr. Manny Hinojosa

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Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 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 Acosta and Holguin

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:37 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Noe

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**EX1.** Cause No. 2009TX944: Hotel Don Quixote, a Texas Limited Partnership, vs. El Paso Central Appraisal District and El Paso Appraisal Review Board. (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to intervene in the lawsuit styled Hotel Don Quixote, a Texas Limited Partnership vs. El Paso Central Appraisal District and El Paso Appraisal Review Board; Cause No. 2009TX944.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega, and Niland  
 NAYS: None  
 ABSTAIN: Representative Holguin

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**EX2.** 701 Pendale, El Paso, Texas (551.072)

Motion made Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the City Manager, or her designee, be authorized to negotiate for the purchase of the property located at 701 Pendale, El Paso, El Paso County, Texas, in accordance with the recommendations by staff; and that upon the successful completion of negotiations, a contract for the purchase of the properties be presented to City Council for consideration.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega, and Niland  
 NAYS: None  
 ABSTAIN: Representative Holguin

Mayor Cook and Representatives Ortega and Lilly commented.

Ms. Joyce Wilson, City Manager, commented.

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**EX3.** Student Memorial Park, 9425 Vicksburg Dr., El Paso, Texas (551.072)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Robinson, and unanimously carried that the City Manager, or her designee, be authorized to negotiate for the purchase of the property located at 9425 Vicksburg, El Paso, El Paso County, Texas, in accordance with the recommendations by staff; and that

upon the successful completion of negotiations, a contract for the purchase of the properties be presented to City Council for consideration.

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**EX4.** Lucia Guerrero, et. al. vs. City of El Paso, et. al.; Cause No. EP-09-CV-0236-DB (551.071)

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand in the lawsuit styled Lucia Guerrero, et. al. vs. The City of El Paso, et. al.; Cause No. EP-11-CV-00101-KC.

AYES: Representatives Lilly, Byrd, Robinson, Noe, Holguin, Ortega, and Niland  
NAYS: None  
ABSTAIN: Representative Acosta

Mayor Cook and Representative Byrd commented.

Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

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**CONSENT AGENDA**

Motion made by Representative Ortega, 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, Acosta, Robinson, Noe, Holguin, Ortega, and Niland  
NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 13, 2011.

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

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

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**3. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Robert Concha, Jr., to the Zoning Board of Adjustment, as a regular member, by Representative Susie Byrd, District 2.

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**4A. PLANNING AND ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit No. ZON11-00003, to allow for Infill Development with Reduced Setbacks and a Parking Reduction on the property described as a portion of Lots 3 and 4, Block 6, Del Norte Acres, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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**4B.**

**ORDINANCE 17643**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 7E3, BLOCK 34, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH & FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Ortega and Acosta commented.

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

AYES: Representatives Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

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**4C.**

**ORDINANCE 17644**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4B, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representative Noe commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Niland

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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**4D. PLANNING AND ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of Lot 2, Block 2, Keystone Business Park Replat A, City of El Paso, El Paso County, Texas from P-1/sc (Planned Industrial/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**4E.**

**ORDINANCE 17645**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A 1.174 ACRE (51,124 SQUARE FEET) TRACT OF LAND BEING ALL OF LOTS 1 THRU 9, ALL OF LOTS 48 THRU 52, ALL OF LOT 14, A PORTION OF LOTS 10, 11, 12, 13 AND 47, AND A PORTION OF A VACATED ALLEY ALL WITHIN BLOCK I, ALAMO HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-4/H (RESIDENTIAL/HISTORIC OVERLAY). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Ms. Providencia Velazquez, Historic Preservation Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Richarda Momsen, Municipal Clerk, read into the record the correct zoning case number, PZRZ11-00028.

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

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega, and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Robinson

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

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**4F.**

**ORDINANCE 17646**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, KILPATRICK SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Holguin and Ortega commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega, and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Robinson

Whereupon the Mayor Pro Tempore 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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**4G.**

**ORDINANCE 17647**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 19, BLOCK 2, FRANKLIN VILLAGE AMENDING PLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A (RESIDENTIAL) TO R-MU (RESIDENTIAL-MIXED USE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Representatives Robinson and Niland commented.

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland  
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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**4H. PLANNING AND ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of Tract 2C1, Block 35, Ysleta Grant, City of El Paso, El Paso County, Texas from C-3 (Commercial) and A-M (Apartment/Mobile Home Park) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**4I.**

**ORDINANCE 17648**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO SPRINT COMMUNICATIONS COMPANY L.P. FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND REPAIR OF 1,428 LINEAR FEET OF SUBSURFACE FIBER OPTIC CONDUIT AND CABLES FOR LONG-DISTANCE TELECOMMUNICATIONS SYSTEMS WITHIN PORTIONS OF CITY RIGHT-OF-WAY ALONG MESA HILLS DRIVE BETWEEN MESA STREET AND DONIPHAN PARK DRIVE FOR A TERM OF FIVE YEARS WITH TWO RENEWABLE FIVE YEAR TERMS.**

Ms. Mirian Spencer, Department of Transportation, presented a PowerPoint presentation (copy on file in City Clerk’s Office).

Representatives Lilly, Niland, Holguin, and Ortega commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega, and Niland  
NAYS: None

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

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**ITEMS 4J AND 5 TAKEN TOGETHER**

Motion made by Representative Ortega, seconded by Representative Robinson, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 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 Acosta and Holguin

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:37 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Noe

**4J. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** thirteen weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

**5. PLANNING AND ECONOMIC DEVELOPMENT**

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **POSTPONE** thirteen weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

Mr. Ed Archuleta, President/Chief Executive Officer of El Paso Water Utilities, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Richarda Momsen, Municipal Clerk, commented.

Mayor Cook and Lilly, Noe, Ortega, Acosta, Niland, Byrd, and Robinson commented.

The following City staff members commented:

1. Mr. Mathew McElroy, Deputy Director of Planning and Economic Development
2. Mr. Charlie McNabb, City Attorney
3. Mr. Ted Marquez, Deputy Director for Department of Transportation

The following members of the public commented:

1. Mr. Jim Tolbert
2. Ms. Judy Ackerman
3. Mr. Charlie Wakeem
4. Mr. Richard Dayoub
5. Mr. Bill Addington

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6.

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

**WHEREAS**, City staff has identified 0.141 acres of land situated within the limits of Cimarron Park in Northwest El Paso, to be used for the extension of Cimarron Park Drive from Paseo Del Norte Boulevard to Brays Landing Street, a legal description of which is attached hereto as Exhibit "A" and made a part hereof for all purposes; and

**WHEREAS**, City staff has recommended the use of the 0.141 acres for the extension of Cimarron Park Drive through Cimarron Park because it provides greater connectivity between Paseo Del Norte Boulevard and Brays Landing Street and it will provide a secondary access for emergency vehicles into Cimarron Park and adjoining residential areas;

**WHEREAS**, the City has given notice to the public by publishing a notice once a week for three consecutive weeks in a newspaper of general circulation as required in the Texas Parks & Wildlife Code Section 26.002; and

**WHEREAS**, City Council determines that the proposed project for the residential street connection of Cimarron Park Drive includes all reasonable planning to minimize harm to the land as a park resulting from the use.

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

1. That the El Paso City Council approves the use of a 0.141 acre portion of Cimarron Park for a residential street, and
2. That, related to the residential street and in accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council determines there is no feasible and prudent alternative to the use of the Cimarron Park acreage, and that the proposed plans for the residential street connection include all reasonable planning to minimize harm to the land as a park resulting from the use.

Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Representatives Byrd and Lilly commented.

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

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7.

**ORDINANCE 17649**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS), TO ALLOW FOR THE ISSUANCE OF A FOOD HANDLER CERTIFICATE RATHER THAN A FOOD HANDLER CARD AND A FOOD PROTECTION MANAGEMENT CERTIFICATE RATHER THAN A FOOD PROTECTION MANAGEMENT CARD IN ALL APPLICABLE SECTIONS; THE PENALTY AS PROVIDED IN SECTION 9.12.890.**

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

The following City staff members commented:

1. Mr. Michael Hill, Director of Public Health, commented.
2. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, and Niland  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Ortega

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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**8. MAYOR AND COUNCIL**

Discussion and action on all sports scheduling and the maintenance of all the parks and recreations fields.

Ms. Nanette Smejkal, Director of Parks and Recreation, and Mr. Stuart Ed, Director of General Services, presented a PowerPoint presentation (copy on file in City Clerk's Office).

Mayor Cook and Representatives Holguin, Ortega, Noe, Byrd, Acosta, Robinson, and Niland commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Jack Colbart
2. Mr. Jesus Perez
3. Ms. Sol Miller
4. Ms. Teresa Soza
5. Mr. Patrick Tapia
6. Mr. Rafael Morales

- 7. Mr. Lance Lawrence
- 8. Mr. Steve Donnelly
- 9. Mr. Efrain Mendoza
- 10. Mr. James Mendoza
- 11. Ms. Emily Alvarado
- 12. Ms. Sonia Alvarado
- 13. Mr. James Perry

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

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

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**9.**

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

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

That the following affordable rental housing development is approved for funding commitment, as recommended by the Director of Community and Human Development, as listed below:

Project Name:	PV Community Development Corporation
Project Type:	New Construction of 4 Three-Bedroom Multi-Family Units
Project Address:	6715 Sambrano (79905)
Project Amount:	\$282,757
District:	3

That the City Manager be authorized to sign an Investor HOME Program Written Agreement in a form substantially similar to the form contract attached as Exhibit "A" by and between the City of El Paso and PV Community Development Corporation, as well as any related contract documents necessary to effectuate the award and to secure and protect the City's lien interest.

Representatives Acosta and Robinson commented.

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

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

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**10.**

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

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

That the City Manager be authorized to sign the Third Amendment to the Agreement for Professional Services by and between the City of El Paso and Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A Rewrite of the City's Comprehensive Plan" to add additional services in the amount of Six Hundred Eighty One Thousand and 00/100 dollars (\$681,000.00) thereby extending the contract amount from \$1,993,120.00 to \$2,614,120.00. The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds task order number three.

Mayor Cook and Representative Niland commented.

Mr. Mathew McElroy, Deputy Director of Planning and Economic Development, commented.

Motion made by Representative Byrd, seconded by Representative Acosta, and unanimously carried to **APPROVE** a Resolution.

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**ADDITION TO THE AGENDA**

**1. INTRODUCTION**

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

AYES: Representatives Byrd, Acosta, Robinson, Noe, Holguin, and Ortega  
NAYS: Representative Niland  
NOT PRESENT FOR THE VOTE: Representative Lilly

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

Ms. Joyce Wilson, City Manager, commented.

An Ordinance changing the effective date of Ordinance No. 017575 which revised Title 18 (Building and Construction), Chapter 18.46 (Landscape), of the El Paso City Code, from October 3, 2011 to November 7, 2011. The penalty is as provided for in Section 18.46.180 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 27, 2011, FOR THE ITEM**

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**ADDEX1.** Cause No. 2009TX944: Hotel Don Quixote, a Texas Limited Partnership, vs. El Paso Central Appraisal District and El Paso Appraisal Review Board. (551.071)

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried that the City Attorney's Office to reject the settlement offer regarding Texas Gas Service Company, a Division of ONEOK, Inc. v. Railroad Commission of Texas, Cause No. D-1-GN-11-000889, 201 Judicial Division; and Petition for for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas regarding Rate Case Expenses, Gas Utility Docket No. 10016 and Pipeline Expense Rider, Gas Utility Docket No. 10049, both severed from Gas Utility Docket No. 9988.

Mr. Norman Gordon, outside utility counsel, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:31 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk