

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
SEPTEMBER 22, 2009
9:00 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 9:10 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, Eddie Holguin, Jr., and Steve Ortega. Late arrival: Beto O'Rourke at 6:07 p.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **EL PASO ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**
2. **NATIONAL NIGHT OUT**
3. **RANDOM ACTS OF GOODNESS DAY**
4. **CANDLELIGHTERS WALK OF HOPE DAY**
5. **AMIGO AIRSHO WEEK**

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. Jimmy Janacek
2. Mr. Bill Addington
3. Mr. Jerry Thiedt
4. Ms. Lisa Turner

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Addington an additional 2 minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representatives O'Rourke

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Thiedt an additional 2 minutes to address the Council.

NOT PRESENT FOR THE VOTE: Representatives O'Rourke

Representative Holguin commented.

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Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 9:54 a.m. in order to convene the Special Mass Transit Department Board Meeting.

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Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 10:20 a.m.

CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, 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, Quintana, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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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 15, 2009, and the revised Minutes for the Regular City Council Meeting of September 1, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

Motion made, seconded, and unanimously carried to **POSTPONE** one week the Resolution that City Council amend the City's 2007 - 2008 Annual Action Plan of the Consolidated Plan for 2005 - 2010 by deleting one homeownership activity: Affordable Housing Credit Union Service Organization – Individual Development Account Program - \$125,000, due to the inability to negotiate a successful agreement and that the City Manager or her designee be authorized to take any actions necessary to accomplish the intent of the Resolution.

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3B. RESOLUTION

*Motion made, seconded, and unanimously carried to **DELETE** the Resolution that authorization is hereby given to pay developer the amount of \$135,187.12 as City's share of the costs of the project and that such

amount shall constitute the final and complete payment owed to Developer. The project includes construction of the extension of the drainage channel that parallels Bear Ridge Drive, a parallel maintenance road, Bear Ridge Drive and appurtenant facilities on City property.

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3C.

***RESOLUTION**

That the City Manager be authorized to sign an agreement for electric service and an agreement granting a transformer and underground electrical easement to the El Paso Electric Company for the purpose of providing electrical service to the Westside Transit Terminal at 7535 Remcon, El Paso, Texas. Said property being more particularly described as a portion of Lot 1, Block 2 of the West Ten Development, El Paso, El Paso County, Texas.

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3D.

***RESOLUTION**

WHEREAS, the Rio Grande Council of Governments (the "RGCOG") is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the RGCOG's adopted regional solid waste management plan; and

WHEREAS, the City of El Paso in the State of Texas is qualified to apply for regional solid waste grant program grant funds under the Request for Applications.

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

1. That the City Manager is authorized to sign any and all documents to request grant funding under the Rio Grande Council of Governments' Request for Applications of the Regional Solid Waste Grants Program and designates the Director of the Department of Environmental Services to act on behalf of the City of El Paso, Texas in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the City of El Paso, Texas will comply with the grant requirements of the Rio Grande Council of Governments, Texas Commission on Environmental Quality and the State of Texas.
3. That the grant funds to be requested, totaling \$32,500 and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant. The three items to be funded shall be the production of ten thousand copies of a 10 page booklet, an activity card and the salary of a part-time youth coordinator to present the proposed and existing educational material on illegal dumping to middle school children.
4. That the activities to be performed under the grant will comply with and support the regional and local solid waste management plans adopted for the geographical area, and that those activities will include the production of the booklet and activity card illegal to be shown by the part-time youth coordinator at schools.

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4. BOARD RE-APPOINTMENT

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

5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Bill Guerra Addington to the Open Space Advisory Board by Representative Rachel Quintana, District 5.

6. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John Cook: Noel Rosenbaum, \$200; Larry Medina, \$200; Irene Epperson, \$500; Randy and Margo Brock and Roman Bustillos, \$250; Dan and Patti Olivas, \$50; Trish Tanner, \$150; Mervin and Linda Moore, \$500; Yolanda Clay, \$25; Charles and Judith Kohlhaas, \$100; Norman and Cheryl Gordon, \$250; Jimmy and Donna Melver, \$50; James and Debra Kelly, \$100; Pratap and Vijaya Reddy, \$1,000; Carl Robinson, \$1,000; Stanley Jobe, \$1,000; Dora Moreno, \$25; Jan and Bruce Engles, \$25; Kenneth and Show-Ying Gezelius, \$250; David and Anne Scepaniski, \$200; Richard Teschner, \$200; Mannie Kalman, \$300; Randal O’Leary, \$500; Richard Mattersdorff, \$50; Sam Legate, \$500; Joe Oliva, \$100; Anna Mattersdorff, \$100; Barbara Shapiro, \$100; Travis Johnson, \$500; Salom Family Partnership, \$200; James Scherr, \$500; and Tony Conde, \$50.

7. LEGISLATIVE REVIEW COMMITTEE REPORT (FOR NOTATION PURPOSES ONLY)

*Motion made, seconded, and unanimously carried to **POSTPONE** one week, for notation, the formal report of the Transportation Legislative Review Committee meeting held on September 10, 2009, as submitted by Representative Beto O’Rourke, Chair.

8. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request to allocate District 3 discretionary funds in the amount of \$2,820.92 to provide boxing and gym equipment for the San Juan Recreation Center.

9. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to eCivis, Inc., the creator and sole source provider of eCivis Grants Research and Grants Tracking and Reporting software. This purchase is for the annual license and service of this software in the estimated amount of \$96,075 beginning October 1, 2009, and ending September 30, 2010.

Department: Financial and Administrative Services
Account No.: 39010351 – 502202 – 01101 and
21150060 – 502215 – 16371
Funding Source: Operating Account, Computer Related Leases and
Police Confiscated Funds
Total Estimated Award: \$96,075
Sole Source No.: 2010-032

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.

10. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-222 (Freeway Police Motorcycles) to Sanchez & Sons Trucking Inc. d/b/a Edge Kawasaki, for a total award of \$109,199.55.

Department: General Services
Award to: Sanchez & Sons Trucking Inc. d\b\ a Edge Kawasaki
El Paso, TX
Items: 1 and O-1, O-2, O-5, and O-6 (Alternate bid)
Option:Purchase up to 100% of the contract quantity at the same unit price if the option is exercised within 90 days, 180 days, or 1 year from the date of award.
Account No.: 37150068 – 508006 – 27507 – PFLESVC01
Funding Source: General Services – Vehicular Equipment
Total Award: \$109,199.55 (five motorcycles)

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

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to Sanchez & Sons Trucking Inc. d\b\ a Edge Kawasaki, the vendor offering the best value bid.

Mayor Cook and Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Stuart Ed, General Services Director
- 4. Mr. Robert Feidner, Assistant Chief of Police

Ms. Lisa Turner, citizen, commented.

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11. INTRODUCTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, 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:

NOT PRESENT FOR THE VOTE: Representative O' Rourke

An Ordinance granting a Special Privilege License to Plum City Lounge, LLC. permitting the encroachment of 16 canopies, 2 stairways, an entryway, a handicap accessibility ramp, a wall sign, and an outdoor patio café with required fencing, located within a portion of public right-of-way located at 500 San Francisco Street and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio café area.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 29, 2009, FOR THE ITEM

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **RECESS** the City Council Meeting at 10:32 a.m.

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **RECONVENE** the City Council Meeting at 3:03 p.m.

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12A.

RESOLUTION

WHEREAS, as part of City administration of Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 through the United States Department of Housing and Urban Development ("HUD"), the Empowerment Zone Division, Community and Human Development Department, in conjunction with the Economic Development Department, recommends that the City Council establish an economic development program related to use of Empowerment Zone funds under the City FY10 Empowerment Zone Program to provide small business loans and micro-business loans to qualified business owners for businesses located in the Empowerment Zone and its developable site boundaries through the Empowerment Zone Revolving Loan Fund (RLF).

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

That the Empowerment Zone Grant Revolving Loan Fund Program Lending Guidelines attached as Exhibit "A", are hereby approved.

Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **APPROVE** the Resolution with the additional guideline as read into the record by Rep. Byrd to direct staff to develop additional guidelines on underwriting of microbusiness loans.

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12B.

RESOLUTION

The El Paso Empowerment Zone Grant funding awards for the period of September 2009 – August 2010 (FY10), attached hereto as Exhibit "A", are hereby approved; and

That the City Manager be authorized to sign Letters of Support, Certifications of Local Government Approval, and Certifications of Consistency with the Strategic Plan required by HUD or the States of Texas for grant applications; and

That the City Manager be authorized to sign all standard contracts and documents with the agencies approved for funding in the FY10 grant budget related to the implementation and performance of the activities contained in the Empowerment Zone Strategic Plan. The City Manager is authorized herein to sign amendments to such contracts which add to or reduce funding when such amendments are consensual, including de-obligation of funds by mutual termination; and

That the City Manager be authorized to sign all Environmental Assessments, Requests for Release of Funds, Certifications, and Performance Reports required by the U.S. Department of Housing and Urban Development for activities covered by the Strategic Plan.

Ms. Isela Robison, Empowerment Zone Coordinator, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Mr. William Lilly, Director of Community and Human Development
- 2. Ms. Kathryn Dodson, Director of Economic Development

The following members of the public commented:

- 1. Ms. Sally Andrade, Empowerment Zone Advisory Board Chair
- 2. Ms. Edith Zuvanich, Empowerment Zone Advisory Board Vice Chair

3. Ms. Carina Jaloma, Café Mayapan
4. Ms. Maria Medina, Café Mayapan
5. Ms. Cindy Arnold, La Mujer Obrera
6. Mr. Guillermo Glenn, Border Workers Association coordinator
7. Ms. Lisa Turner
8. Mr. Ramon Arroyos, volunteer for Mercado Mayapan from Ysleta area
9. Mr. Bill Addington
10. Ms. Esther Perez
11. Mr. Alejandro Guzman
12. Ms. Meladyia Salaires, Greater El Paso Chamber of Commerce
13. Mr. Danny Ortiz, Empowerment Zone Advisory Committee member
14. Ms. Sonya Saunders, volunteer for Mercado Mayapan

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 3:45 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 (Consultation with Attorney).

ABSTAIN: Representative O'Rourke

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 3:50 p.m. and **RECONVENE** the meeting of the City Council.

ABSTAIN: Representative O'Rourke

3RD MOTION

Motion made by Representative Holguin, seconded by Representative Ortega, and carried to deny funding to El Puente until their finances are in order and they are not running a deficient and to have the Empowerment Zone Advisory Committee give Council a recommendation as to where to allocate the funds for business development in the empowerment zone.

AYES: Representatives Lilly, Robinson, Holguin and Ortega

NAYS: Representatives Byrd, Acosta, and Quintana

ABSTAIN: Representative O'Rourke

4TH MOTION

Motion made by Representative Quintana, seconded by Representative Ortega, and carried to allocate \$215,000 to the Greater El Paso Chamber of Commerce's The EZ Way project and to allow staff to work with the Chamber in establishing performance measures for the project.

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

NAYS: Representatives Byrd,

ABSTAIN: Representative O'Rourke

5TH MOTION

Motion made by Representative Quintana, seconded by Representative Byrd, and carried to approve the rest of the recommendations as presented

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

NAYS: NONE

ABSTAIN: Representative O'Rourke

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TAKEN WITH ITEMS 13B & 13C
13A.

ORDINANCE 17196

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING TRACT 71, SECTION 3, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS.**

Representatives Holguin, Byrd, and Quintana commented

Mr. Mathew McElroy, Deputy Director of Planning commented.

Mr. Conrad Conde, representing the applicant, commented.

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

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

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

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TAKEN WITH ITEMS 13A & 13C
13B.

ORDINANCE 17197

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 71, SECTION 3, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAYS COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Holguin, Byrd, and Quintana commented

Mr. Mathew McElroy, Deputy Director of Planning commented.

Mr. Conrad Conde, representing the applicant, commented.

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

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

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

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TAKEN WITH ITEMS 13A & 13B

13C.

ORDINANCE 17198

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON08-00060 TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED SETBACKS AND REDUCED LOT WIDTH ON TRACT 71, SECTION 3, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAYS COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.270 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Holguin, Byrd, and Quintana commented

Mr. Mathew McElroy, Deputy Director of Planning commented.

Mr. Conrad Conde, representing the applicant, commented.

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

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

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

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13D.

ORDINANCE 17199

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00044 TO ALLOW FOR INFILL DEVELOPMENT ON ALL OF LOT 1, BLOCK 1, FALVEY ESTATES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTIONS 20.04.260 AND 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Ortega commented

Mr. Mathew McElroy, Deputy Director of Planning commented.

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

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

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

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14.

ORDINANCE 17200

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO SELL APPROXIMATELY 0.662 ACRES OF LAND BEING A PORTION OF TRACT 8A, BLOCK 13, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO THE CATHOLIC DIOCESE OF EL PASO/MOST REVEREND ARMANDO X. OCHOA OR HIS SUCCESSOR IN OFFICE.**

Representative Byrd commented.

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

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

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

NAYS: None

ABSTAIN: Representatives Byrd and Holguin

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

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15A.

ORDINANCE 17201

The City Clerk read an Ordinance entitled: **AN ORDINANCE DELETING CHAPTER 2.28 (EL PASO INTERNATIONAL AIRPORT BOARD) OF THE EL PASO CITY CODE FOR THE PURPOSE OF ABOLISHING THE EL PASO INTERNATIONAL AIRPORT BOARD AND REPEALING ORDINANCES NOS. 5610 AND 6626 WHICH HAD ESTABLISHED THE BOARD.**

Mayor Cook and Representatives Acosta, Lilly, Quintana, O'Rourke and Ortega commented

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Monica Lombrana, Aviation Director
- 3. Mr. Charlie McNabb, City Attorney gave legal advice

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

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

NAYS: Representatives Acosta, Robinson, and Quintana

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

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TAKEN WITH ITEMS 15C – 15 D & 15F – 16 B

15B.

ORDINANCE 17202

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NO. 15539 FOR THE PURPOSE OF ABOLISHING THE INFORMATION TECHNOLOGY ADVISORY BOARD.**

Ms. Joyce Wilson, City Manager, commented

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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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Taken with 15B, 15D, & 15F – 16B
15C.

ORDINANCE 17203

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO ABOLISH THE PUBLIC UTILITY REGULATION BOARD BY REPEALING ORDINANCES NOS. 5994, 6801, 6912, 8799, AND 11497.**

Ms. Joyce Wilson, City Manager, commented

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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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TAKEN WITH 15B – 15C & 15F – 16B
15D.

ORDINANCE 17204

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO ABOLISH THE CITY TREE BOARD AND TO ASSIGN ADDITIONAL DUTIES TO THE BOARD OF PARKS AND RECREATION THAT ARE PERTINENT TO TREE ADVOCACY IN THE CITY OF EL PASO BY DELETING CHAPTER 2.77 (EL PASO TREE BOARD) OF THE EL PASO CITY CODE; BY AMENDING CHAPTER 2.20 (BOARD OF PARKS AND RECREATION), SECTION 2.20.050 (BOARD DUTIES) OF THE EL PASO CITY CODE TO REASSIGN THE DUTIES OF THE TREE BOARD TO THE BOARD OF PARKS AND RECREATION; AND BY AMENDING CHAPTER 9.11 (TREE CARE), SECTION 9.11.010 E (GENERAL PROVISIONS), AND CHAPTER 18 (LANDSCAPE), SECTION 18.46.050 (DEFINITIONS), OF THE EL PASO CITY CODE TO AMEND THE REFERENCES TO THE TREE ORDINANCE AND TREE BOARD AS CONTAINED HEREIN.**

Representative Byrd commented

Ms. Joyce Wilson, City Manager, and Ms. Leila Melendez, Executive Assistant to the City Manager,

commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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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15E.

ORDINANCE 17205

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO ABOLISH THE EL PASO MOUNTAIN COMMITTEE AND TO ASSIGN THE DUTIES HELD BY THE COMMITTEE TO THE CITY PLAN COMMISSION BY REPEALING ORDINANCE NO. 14790 (ESTABLISHING THE EL PASO MOUNTAIN COMMITTEE) AND AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.08 (CITY PLAN COMMISSION), SECTION 2.08.110 (CITY PLANNING - DUTY TO KEEP INFORMED ON, STUDY AND RECOMMENDED IMPROVEMENTS), OF THE EL PASO CITY CODE.**

Representatives Byrd and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Bill Addington, citizen, commented.

Motion duly made by Representative Byrd, seconded by Representative Robinson, that the Ordinance be **ADOPTED AS REVISED** to assign the duties held by the Committee to the Open Space Advisory Board.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

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

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TAKEN WITH ITEMS 15B – 15D & 15 G – 16B

15F.

ORDINANCE 17206

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING SECTION 2.04.040 (HOLDING OVER PROHIBITED) OF THE EL PASO CITY CODE TO DELETE THE REFERENCE TO THE PUBLIC UTILITY REGULATION BOARD CONTAINED THEREIN AND TO EXEMPT THE MEMBERS OF THE PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM ADVISORY BOARD FROM THE APPLICATION OF THIS SECTION.**

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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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TAKEN WITH ITEMS 15B -15D & 15F, 15H – 16B

15G.

ORDINANCE 17207

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCES NOS. 11598, 11902, 15748, 16971, AND 17008 FOR THE PURPOSE OF ABOLISHING THE EL PASO INTERNATIONAL BRIDGE COMMISSION.**

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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**.

.....
TAKEN WITH ITEMS 15B – 15D, 15F – 15 G, & 16A -16B

15H.

ORDINANCE 17208

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 8262 ESTABLISHING THE STANDING COMMITTEE ON BORDER RELATIONS IN ITS ENTIRETY TO INCLUDE ADDITIONAL DUTIES AS PREVIOUSLY HELD BY THE INTERNATIONAL BRIDGE COMMISSION AND REPEALING ORDINANCES NOS. 9504 AND 11188, WHICH HAD PREVIOUSLY AMENDED ORDINANCE NO. 8262.**

Ms. Joyce Wilson, City Manager, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, 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**.

.....
TAKEN WITH 15B – 15D, 15F – 15H & 16B

16A.

RESOLUTION

WHEREAS, the City Council has abolished the International Bridge Commission and merged the functions held by that Commission with the duties of the City’s Committee on Border Relations; and

WHEREAS, many dedicated persons have been serving on the International Bridge Commission and providing valuable input to the City Council on issues involving the international bridges; and

WHEREAS, the City Council desires to have continued input and assistance from these persons as the issues relating to the international bridges are transitioned to the Committee on Border Relations, and finds that these persons will make a valuable contribution towards a successful transition; and

WHEREAS, the Ordinance amending Ordinance 8262, regarding the Committee on Border Relations, provides that the Council will appoint the remaining members of the International Bridge Commission to the Committee as special at large members through December 31, 2010.

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

That the following persons are appointed as special at large members to serve on the Committee on Border Relations through December 31, 2010:

- Miguel A. Escoto
- Pete A. Ocegueda
- Christopher Olivares
- Angel F. Quintana
- Lillia Ruiz
- Jorge E. Salom, Jr.
- Kathleen Walker

Ms. Joyce Wilson, City Manager, commented.

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

16B.

RESOLUTION

WHEREAS, the City Council has by resolution created the Photographic Traffic Signal Enforcement System Advisory Board (“the PTSES Advisory Board”), as required by state law; and

WHEREAS, the City Council desires to streamline the functions performed by the persons who volunteer to serve on the City’s boards and commissions; and

WHEREAS, the City Council hereby adopts this Resolution to continue the operation of the PTSES Advisory Board by re-adopting the initial resolution in its entirety, including re-stating the creation of the Board and its functions, and by adopting new provisions relating to the make-up of the membership of the Board; and

WHEREAS, the PTSES Advisory Board serves only an advisory function for the City and as such, membership on PTSES Advisory Board is not holding a public office of honor, trust or profit in the government of the City; and

WHEREAS, all previous Resolutions of the City Council relating to the PTSES Advisory Board shall be repealed and the prior members of the PTSES Advisory Board shall be removed and replaced with the new membership as set forth in this Resolution upon the adoption of this Resolution.

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

1. There is hereby established the Photographic Traffic Signal Enforcement System Advisory Board (“the PTSES Advisory Board”). The PTSES Advisory Board shall receive the reports of traffic engineering studies in accordance with Section 707.003(e), Texas Transportation Code, and advise City staff, as designated by the City Manager, on the installation and operation of photographic traffic signal enforcement systems in the City, as may be appropriate under state law.
2. The PTSES Advisory Board shall consist of nine (9) regular members, and the members of the City Plan Commission (CPC) are designated as the members of the PTSES Advisory Board. The qualifications, appointment and length of term of the members of the City Plan Commission will apply to the PTSES Advisory Board.
3. Except as provided in this resolution, the qualifications, appointment, removal and conduct of the members of the PTSES Advisory Board and the organizational structure of the PTSES Advisory Board shall be governed by Title 2 of the El Paso City Code, and applicable state law.
4. Members shall receive no compensation and shall have advisory powers only.
5. The Chair and Vice-Chair of the CPC shall serve as the Chair and a Vice-Chair of the PTSES Advisory Board. The PTSES Advisory Board shall hold meetings, as called by the City Manager or her designee at such times as necessary in the process of the installation and operation of photographic traffic signal enforcement systems in the City.
6. The City Manager shall designate appropriate City staff to shall keep a record of the meetings of the PTSES Advisory Board and provide the PTSES Advisory Board with all information necessary to perform its duties, as set forth herein and as may be required by state law.
7. The duties of the PTSES Advisory Board are limited to receiving reports of traffic engineering studies in accordance with Section 707.003(e), Texas Transportation Code, and advising City staff, as designated by the City Manager, on the installation and operation of photographic traffic signal enforcement systems in the City, as may be appropriate under state law.
8. In the event that Section 707.003(e), Texas Transportation Code, is repealed then the PTSES Advisory Board will cease to exist and no further action will be required by the City to repeal this resolution.

9. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as part of the judgment and findings of the City Council.

Ms. Joyce Wilson, City Manager, commented.

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

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16C.

RESOLUTION

WHEREAS, on August 3, 1999, the City of El Paso entered into an Agreement with the El Paso Public Library Association (the "Association"), setting forth rights and responsibilities of the Association; and

WHEREAS, the Agreement remains in effect until terminated by the City Council of the City of El Paso or the Board of Directors of the El Paso Public Library Association; and

WHEREAS, the City Council of the City of El Paso finds that it will be in the best interest of the City of El Paso to terminate this Agreement.

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

That the August 3, 1999 Agreement between the City of El Paso and the El Paso Public Library Association is terminated.

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

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

NAYS: Representative Acosta

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16D.

RESOLUTION

WHEREAS, local taxing entities have made a commitment to evaluate opportunities for shared services, resources and responsibilities for more efficient use of tax revenue and to reduce duplication of governmental service in the area; and

WHEREAS, on July 30, 2009 the City Council requested that the City Manager establish a Blue Ribbon Committee to study a regional parks system; and

WHEREAS, the City of El Paso has performed preliminary research on regional parks systems in the nation.

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

1. That there is hereby established the Blue Ribbon Committee (hereinafter the "Committee") to conduct a study on a regional parks system and the Committee shall evaluate and provide recommendations to the City Council on forming a regional parks system in El Paso.
2. That the Committee will be comprised of a diverse group of representatives, and will include one elected official from the City of El Paso. The Committee may include an elected official from El Paso

County and representatives from local school districts, City of El Paso Board of Parks and Recreation, Recognized Neighborhood Associations and the private business sector.

3. That the Committee will consist of at least ten, but no more than fifteen regular members. One member will be a City of El Paso elected official decided upon by City Council. The City Manager shall request membership recommendations from the County of El Paso, local school districts, and the other stakeholder groups identified above to be provided by October 16, 2009 and will provide the names of interested persons to the City Council. The City Council shall appoint at least nine but no more than fourteen additional members to the committee, which may include persons recommended by the County of El Paso, local school districts and the other stakeholder groups identified above. The City Manager or designee will make necessary resources available to the Committee and will establish the procedures for calling and holding the meetings.

4. That appointments to the committee shall be made by October 30, 2009.

5. That the Committee's duties shall include exploring national best practices for regional park systems, various funding options, and ways to move forward with a local model with or without state enabling legislation. The Committee may additionally require dividing into groups to review various models and report back to the Committee at large.

6. That the Committee will also provide recommendations to the El Paso City Council that will include but not be limited to:

- 1) Viability of a regional park system in El Paso;
- 2) Structure and multiple funding options for a local model, including a dedicated city tax for parks and open space;
- 3) Obtaining State approval in forming regional park authority if necessary.

7. That the Committee shall prepare a report of its findings and shall make the report available to the City Council and to all other interested parties no later than June 1, 2010.

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

Ms. Joyce Wilson, City Manager, and Ms. Leila Melendez, Executive Assistant to the City Manager, commented.

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

Mr. Bill Addington, citizen, commented.

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

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17A.

RESOLUTION

WHEREAS, by Resolution of March 13, 2007, the City Council of the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) and named its initial Board;

WHEREAS, in accordance with Section 370.251 of the Texas Transportation Code and the City of El Paso's Petition and Request for Authorization to Form the Camino Real Regional Mobility Authority, as approved by the Texas Transportation Commission, the terms for three (3) CRRMA Board positions expire on February 1 of each year;

WHEREAS, in an effort to insure the continuity of the CRRMA through the avoidance of any vacancies in City-appointed positions of the CRRMA Board, the City Council desires to make appointments to Positions 2, 4 and 6, which shall become effective on September 15, 2009;

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

That the City of El Paso hereby appoints the following board members to the Camino Real Regional Mobility Authority Board for the positions identified below, each of which shall take effect on September 15, 2009:

1. Tanny Berg for Position 2, whose term will expire on February 1, 2011;
2. Tony Payan for Position 4, whose term will expire on February 1, 2011; and
3. Susan Melendez for Position 6, whose term will expire on February 1, 2011.

Representatives Acosta and Holguin commented.

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

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

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17B.

RESOLUTION

WHEREAS, over 46 million people in the United States (nearly 1 in 5) under the age of 65 lack health coverage;

WHEREAS, over 230,000 (nearly 1 in 3) El Paso residents are without health insurance;

WHEREAS, Texas has the highest number of residents without health insurance in the entire nation with over 5.8 million adults and 1.4 million children without health coverage;

WHEREAS, children and adults without health insurance are less likely to have access to more cost-effective preventative medical care such as annual doctor exams, medical screenings, routine check-ups, and are more likely to seek treatment in an emergency room;

WHEREAS, over 80 percent of people without health insurance in the United States come from working families who cannot afford the high cost of health coverage;

WHEREAS, insurance costs have increased 131 percent in the United States since 1999 while wages have only increased 38 percent during the same period;

WHEREAS, in 2008, over 1,000 people in El Paso declared bankruptcy due to health care costs;

WHEREAS, each year, over 5,000 El Paso seniors are subject to the Medicare “donut hole” and forced to pay for their prescription drugs in full and out-of-pocket;

WHEREAS, low reimbursement rates for health care professionals is contributing to the shortage of medical professionals in El Paso;

WHEREAS, the number of small businesses that offer health insurance to their employees has declined from 61 percent in 1993 to 38 percent in 2008 due to rising health care costs;

WHEREAS, since 1998, over \$400,000,000 in local property tax dollars have been spent to help provide health care for those who could not afford to pay for treatment and services at University Medical Center of El Paso;

WHEREAS, El Pasoans with diabetes, tuberculosis, cancer, and other medical conditions are at risk of being denied coverage by insurance companies due to pre-existing conditions; and

WHEREAS, each year, thousands of El Pasoans are forced to seek medical care and prescription drugs in our sister city Juarez because they cannot afford to receive care and treatment in the United States.

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

THAT the Mayor and the City Council hereby urge the Congress and the President of the United States of America to enact health care reform legislation that would:

- a. Provide an affordable option for health coverage for those individuals who are without health insurance;
- b. Allow individuals to keep their existing insurance if they are satisfied with their coverage;
- c. Reduce the long term-growth of health care costs;
- d. Improve the quality of health care in the United States;
- e. Prohibit insurance companies from denying coverage to anyone due to a pre-existing condition;
- f. Place a cap on the amount of annual out-of-pocket expenses for policy holders so that no one will have to experience financial ruin due to medical bills;
- g. Strengthen Medicare for seniors and preserve coverage for future generations;
- h. Eliminate the Medicare “donut hole” for seniors;
- i. Strengthen Medicaid for low-income Americans;

- j. Improve reimbursement rates for health care providers to help attract and retain medical professionals in underserved areas such as El Paso;
- k. Provide small business owners with financial assistance to help cover the cost of health insurance for their employees.

Representative Ortega commented.

Ms. Alexandra Sifuentes, citizen, commented

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

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Motion made by Representative Lilly, seconded by Representative Quintana, and unanimously carried to **ADJOURN** this meeting at 7:10 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk