

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  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
SEPTEMBER 26, 2006  
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: Susannah M. Byrd, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Jose Alexandro Lozano, Melina Castro, and Eddie Holguin, Jr. at 8:35 a.m. and Representative Lilly at 8:37 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. 2006 INTERNATIONAL LATINO ARTS FESTIVAL
2. CHILDHOOD CANCER AWARENESS MONTH

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_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.

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

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Esther Perez to speak after the sign-up period.

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

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Ray Gilbert an additional minute to speak.

The following members of the public commented:

1. Ms. Patricia Benitez
2. Mr. Julio Saldivar
3. Mr. Jose Salgado
4. Mr. Jose Ramirez
5. Ms. Maria Briseno

- 6. Mr. Ray Gilbert
- 7. Mr. Steven Strumer
- 8. Ms. Esther Perez

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

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

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

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

AYES:               Representatives Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke  
 NOT PRESENT FOR THE VOTE:   Representatives Lilly, Lozano, Castro, and Holguin

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

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representatives Lozano and Holguin

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**EX1.**   Maria Theresa Urbina vs. The City of El Paso; Cause No. 2005-6899. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Maria Theresa Urbina vs. The City of El Paso; Cause No. 2005-6899.

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**EX2.**   Jesus Luna vs. Gabriel Peralta, et al.; Cause No.: EP-04-CA-0455-H. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to take all necessary steps to **EXECUTE** a lien or initiate collection efforts for the court-awarded costs in the lawsuit styled Jesus Luna vs. Gabriel Peralta, et al.; Cause No.: EP-04-CA-0455-H.

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**EX3.**   Ross T. Penn vs. John Colbey, et al; Cause No. 2002-3259. (551.071).

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

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried that the City Attorney's Office be authorized **SETTLEMENT** authority to negotiate settlement agreement and sign all documents to resolve the lawsuit styled Ross T. Penn vs. John Colbey, et al; Cause No. 2002-3259.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: Representatives Lozano and Castro

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

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried that the City Attorney's Office proceed with an **APPEAL** in the case entitled Ross T. Penn vs. John Colbey, et al; Cause No. 2002-3259.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None  
ABSTAIN: Representative Castro

Representative Lozano commented.

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

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**EX4.** Discussion and action concerning the employment status of the Director of the El Paso City-County Health and Environmental District. (551.071 and 551.074).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and unanimously carried to **DELETE** the above item.

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**CONSENT AGENDA**

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

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NOT PRESENT FOR THE VOTE: Representative Castro

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for Regular City Council Meeting of September 19, 2006, and the Special City Council Meetings of July 19, 2006 (Glass-Beach Brand Consultants), August 16, 2006 (Tax Rate), and September 18, 2006 (Agenda Review).

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

**NO ACTION WAS TAKEN** on this item.

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**3A.**

**\*RESOLUTION**

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

**THAT** the City Manager be authorized to sign a first amendment to the Professional Services Contract (the "Contract") between the City of El Paso and Storyline Studio, LLC originally entered into on April 26, 2005, in the amount of three hundred thousand dollars (\$300,000), such amendment providing for additional services and consideration in the amount of one hundred two thousand five hundred dollars (\$102,500) and extending the term of said contract.

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, and Ms. Jennifer Nielsen, Director of the El Paso Museum of History, commented.

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**3B.**

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

\*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR AGENDA** the following:

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

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

**WHEREAS**, the Texas Commission on Environmental Quality (TCEQ) is developing a Natural Events Action Plan (NEAP) to help address particulate matter (PM) exceedances caused by uncontrollable natural events in the El Paso area; and,

**WHEREAS**, the EPA Natural Events Policy offers guidance to the States for developing a NEAP and in areas such as El Paso where PM can be attributed to high winds, the EPA guidance recommends that States seek input and support from local entities; and,

**WHEREAS**, in the development of the NEAP, the TCEQ is working closely with the Joint Action Committee (JAC), a binominal committee made up of private citizens, private sector representatives, university officials, federal, state, and local government officials, and non-governmental environmental and public health organizations in this area; and,

**WHEREAS**, the City finds that it is in the best interest of the City that NEAP take into consideration the impact that uncontrolled natural events have on the PM readings for the El Paso area,

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

That the City of El Paso supports the Natural Events Action Plan (NEAP) approach in addressing particulate matter (PM) exceedances caused by uncontrollable natural events in the El Paso area and supports the City inclusion in the NEAP and authorizes the City Manager to send a letter in support of the NEAP to the Texas Commission on Environmental Quality.

Representative Byrd commented.

Ms. Ellen Smyth, Environmental Services, commented.

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

3C.

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO IN EL PASO, TEXAS;**

1. That Joyce A. Wilson, City Manager, is authorized to request grant funding under the Rio Grande Council of Governments Request for Applications of the Regional Solid Waste Grants Program and designate Ellen A. Smyth, P.E., Environmental Services Director 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. The grant funds to be requested, totaling \$23,740 and any grant-funded equipment or facilities will be used only for the purposes of litter and illegal dumping cleanup, and community refuse collection events as intended under the grant that will be comprised of \$10,540 for supplies such as brooms, pitch forks, plastic gloves, rakes, shovels, swipe brushes, trash bags, and other small tools, and \$13,200 for equipment or facilities including eleven (11) supply storage sheds, that will be augmented by in-kind contributions of personnel services and equipment operations by the City of El Paso, Texas Environmental Services Department with an estimated value of \$15,200.
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 promoting, coordinating and holding periodic cleanup events in conjunction with the Keep El Paso Beautiful organization, other community associations and individual citizens, such as the annual Pride Day, Great American Cleanup, Gift to the River and Gift to the Mountain together with related event announcement, volunteer recruitment and public information campaigns.

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3D.

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

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

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

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

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

1. **THAT** the City Manager is authorized to request grant funding under the Rio Grande Council of Governments request for Applications of the Regional Solid Waste Grants Program and act on behalf of City of El Paso 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 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 and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.

4. **THAT** activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

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**3E.**

**\*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 an Employment Contract between the City of El Paso and Kathryn B. Dodson to employ Kathryn B. Dodson as Economic Development Director at an annual salary of \$120,000.00. The term of the contract shall be for the period of December 1, 2006, through November 30, 2007.

Mayor Cook and Representatives Lozano and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Kathryn Dodson commented.

The following members of the public commented:

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

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**3F.**

**\*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 Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), to assist the MPO to develop the International and Regional Transportation Model. The Agreement period is from September 30, 2006 through September 29, 2007 with four (4) options to extend.

Mayor Cook and Representative Steve Ortega commented.

Mr. Ray Gilbert, citizen, commented.

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3G.

**\*RESOLUTION**

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

That the Mayor be authorized to sign a contract by and between the City of El Paso, and the Village of Vinton to join various other entities for whom the City acts as property tax assessor/collector.

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4. **REINSTATEMENT**

\*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Krueger, Lilia – Police Officer

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5. **BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Cynthia A. Foght to Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Steve Ortega.

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6A. **BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Luis Mata to the Fair Housing Task Force by Representative Presi Ortega, Jr.

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6B. **BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ray Minjarez, AIA, to the Historic Landmark Commission by Representative Presi Ortega, Jr.

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7. **BID**

The award of Solicitation No. 2006-173, Resler Canyon Erosion Control Improvements Re-bid, to CK Construction Inc. for a total estimated award of \$357,790.00.

Location:	Alto Mesa Dr., Pizzaro Dr., and Marcena St.	
Contractor:	CK Construction Inc. El Paso, Texas	
Department:	N/A	
Account No.:	PFC06001/60600/31260001/508027 and PFC06001/27503/04102010/508027	
Funding Source:	FY 2003 Certificates of Obligation and Internal Capital Funding	
Item(s):	Location 4: Concrete Drainage Flume at	\$14,800.00
	Pizarro Cul-DeSac	
	Location 7: El Cajon Drive	\$282,915.00
	Location 2: Parking Area at 200 Alto Mesa Dr.	\$60,075.00

Maximum Amount of Award: \$357,790.00  
Estimated Completion Date: Mid-December 2006

The Engineering Department, in consultation with Frontera Land Alliance, recommends the award of Contract No. 2006-173, Resler Canyon Erosion Control Improvements Re-bid, to CK Construction, Inc., the low responsible, responsive bidder. This unit priced contract is for the total amount of \$357,790.00. The Resler Canyon Erosion Control Improvements project was created and funded as a result of a legal agreement as documented by a letter of understanding, dated December 20, 2005, wherein the City agreed to pay \$347,500.00 for repair maintenance and/or stabilization projects located in or appurtenant to Resler Canyon. The City authorizes the additional expenditure of \$10,290.00.

It is requested that the City Manager of the City of El Paso be authorized to execute contracts and any other necessary documents relating to this Solicitation which are necessary to carry out the intent of this award, to include working with Frontera Land Alliance to establish mutually agreed routes and filing of such agreed routes with the Real Property Records of the El Paso County, Texas.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. In no event shall the total contract amount paid under this contract exceed \$357,790.00 without further authorization of City Council.

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

\*Motion made, seconded, and unanimously carried to **APPROVE** the above item on the Consent Agenda.

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

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

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

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **APPROVE** the above item.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Lozano, Castro, and Holguin

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**8. INTRODUCTIONS**

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of Parcel 1: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from A-O/SC (Apartment/Office/Special Contract) to C-2/SC (Commercial/Special Contract); and Parcel 2: a portion of Tract 7, H.G. Foster Survey No. 256, El Paso, El Paso County, Texas, from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Redd Road, West of Resler. Applicant: River Oaks Properties. ZON06-00027.
- B. An Ordinance changing the zoning of Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to A-2 (Apartment) and imposing a condition. The penalty is as provided for in

Chapter 20.68 of the El Paso City Code. Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00081.

C. An Ordinance granting Special Permit No. ZON06-00080 to allow for a Planned Residential Development on the property described as Lots 3 through 9, a portion of Lot 10, Lots 11 through 32, and the vacated alley, Block 3, Rosemont Addition; Lot 38, Block 34, Military Heights and vacated portion of Oklahoma Street, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Morehead Avenue and Oklahoma Street. Applicant: Fitz Properties. ZON06-00080.

E. An Ordinance changing the zoning of a portion of Tract 1B5B, S.J. Larkin Survey 266, El Paso, El Paso County, Texas, from R-3A (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Northeast corner Resler at Helen of Troy Drive. Applicant: Hunt Communities, Holding, L.P. ZON06-00090.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 17, 2006, FOR ITEMS A – C AND ITEM E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

**8D. INTRODUCTION**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., 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:

D. An Ordinance granting Special Permit No. ZON06-00075 to allow for a parking reduction on the property described as Tract 9F3, Block 2, Ascarate Grant, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 1505 Mescalero Drive. Applicant: Centro de Salud Familiar La Fe Care Center. ZON06-00075.

**PUBLIC HEARING WILL BE HELD ON OCTOBER 17, 2006, FOR ITEM D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega  
NAYS: None  
ABSTAIN: Representative O'Rourke (Affidavit to recuse on file in City Clerk's Office)

**9A.**

**ORDINANCE 16464**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00074 TO ALLOW FOR A 100% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE**

**SOUTH 46 FEET, 7 INCHES OF THE WEST 1/2 OF BLOCK 21, ANSON MILLS MAP, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Presi Ortega, Jr. and O'Rourke commented.

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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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**9B. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of Parcel 1: a portion of Lots 2, 3, and 4, Block 8, Rocket Warehouse Park Unit Two; a portion of Lot 1, Block 1, Rocket Warehouse Park Unit Three; and a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas; and Parcel 2: a portion of Tracts 1D1 And 7C, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, from C-4 (Commercial) to A-M (Apartment and Mobile Home Park). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street near Ameen Avenue. Applicant: Cardon and Pratt. ZON06-00054.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the above item for three weeks.

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**9C. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance changing the zoning of Lot 19, Block 2, Franklin Village Amending Plat, El Paso, El Paso County, Texas, from C-4 (Commercial) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 6262 Woodrow Bean/Transmountain Drive. Applicant: Juan Gastelum. ZON06-00091.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the above item for seven weeks.

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**9D.**

**RESOLUTION**

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

**WHEREAS**, a contract was entered into on October 18, 1973, by and between Mortgage Investment Company of El Paso, Texas; Individual Homes, Inc.; Celeste Rasberry, Individually and as Independent Executrix of the Estate of J. L. Rasberry, deceased; Louise Murchison, Individually and as Independent Executrix of the Estate of S. M. Murchison, deceased; Jonathan Rogers, and Patricia Murchison Rogers and the City of El Paso (hereinafter the "Contract"), placing conditions on real property described as Lot 1,

Block 3, Medical Center Plaza and a portion of Block 14, Highland Park Addition, El Paso, El Paso County, Texas (hereinafter, the "Property"); and

**WHEREAS**, the Contract was amended on December 15, 1974, and such amendment modified Condition 3 of the Contract and released Condition 4 of the Contract; and

**WHEREAS**, Ready One Industries, Inc. (hereinafter, the "Owner"), successor in title and interest to the Property, has applied for a release of the remaining conditions imposed by the Contract;

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

THAT the City Manager be authorized to sign a Partial Release of Contract, releasing Conditions 1, 2, and 3 set forth in the Contract and imposing a further condition.  
Representatives Byrd, O'Rourke, Presi Ortega, Jr., and Steve Ortega commented.

Mr. Rudy Valdez, Development Services, commented.

Ms. Yolanda Giner, Attorney for applicant, commented.

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9E.

**ORDINANCE 16465**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE INTERNATIONAL HISPANIC CULTURAL INSTITUTE, INCORPORATED, TO TEMPORARILY CLOSE A PORTION OF SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN EL PASO STREET AND SANTA FE STREET FROM SEPTEMBER 29, 2006, THROUGH OCTOBER 1, 2006, FOR THE "LATINO ARTS OUTDOOR FESTIVAL"**.

Motion duly made by Representative O'Rourke, 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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10A.

**ORDINANCE 16466**

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) TO ADD A NEW LOCATION ON VISTA DEL SOL DRIVE FROM SUMAC DRIVE TO CITY LIMITS, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Mr. Rick Conner, City Engineer, commented.

Motion duly made by Representative Holguin, seconded by Representative Steve 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, Presi Ortega, Jr., Holguin, and Steve 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 is hereby **ADOPTED**.

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**10B.**

**ORDINANCE 16467**

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 DELETE BOTH SIDES OF VISTA DEL SOL DRIVE FROM YARBROUGH DRIVE TO A POINT 500 FEET EAST OF VISTA DE ORO DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Rick Conner, City Engineer, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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**10C.**

**ORDINANCE 16468**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040, SCHEDULE IV (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH J (NO PARKING 7:00 AM TO 4:00 PM) OF THE EL PASO CITY CODE TO DELETE CERTAIN SUBPARAGRAPHS OF PARAGRAPH J. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Rick Conner, City Engineer, commented.

Motion duly made by Representative Steve 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 Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

10D.

**ORDINANCE 16469**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) OF THE EL PASO CITY CODE BY ADDING SECTION 12.88.041, SCHEDULE IV(A) (PARKING PROHIBITED DURING CERTAIN HOURS, SCHOOL DAYS ONLY); THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Byrd, seconded by Representative Steve 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, Presi Ortega, Jr., Holguin, Steve 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 is hereby **ADOPTED**.

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**11. PUBLIC HEARING(S) – CITY ATTORNEY:**

Public Hearing regarding the issuance by the Colorado Health Facilities Authority of Health Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project), Series 2006 (the "Bonds"), in an approximate amount of \$3,700,000.

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

Mr. Norman Gordon, Outside Counsel, commented.

The following members of the public commented:

1. Mr. Jerry Amerman, Administrator of White Acres Good Samaritan Retirement Village
2. Mr. Gary Dewey, Director of Community Relations of White Acres Good Samaritan Retirement Village
3. Mr. Ray Gilbert
4. Ms. Lisa Turner

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **CLOSE** the Public Hearing.

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**12.**

**RESOLUTION**

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

WHEREAS, in 2000, the Colorado Health Facilities Authority issued revenue Bonds to refinance the Evangelical Lutheran Goods Samaritan Society White Acres Good Samaritan Village in El Paso, Texas (the "Project"); and

WHEREAS, the Evangelical Lutheran Good Samaritan Society (the "Society") desires to refinance the project with bonds to be issued by the Colorado Health Facilities Authority (the "Issuer"); and

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on September 26, 2006, at 9:00 a.m., pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on September 26, 2006, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and

WHEREAS, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the Issuer.

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

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to Colorado Health Facilities Authority to be used in connection with the issuance of its Bonds.

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

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

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**13. MAYOR AND COUNCIL:**

Discussion and action regarding the City's present lease of land to the Insights Science Museum and if the City Manager has future plans to use the leased property.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the above item for two weeks.  
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**14.**

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

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

**WHEREAS**, on November 8, 2005, the City of El Paso (the "City") adopted the City's investment policy;

**WHEREAS**, pursuant to Section 2256.005 of the Texas Government Code, the City is required to review its investment policy on an annual basis; and

**WHEREAS**, the City has reviewed its investment policy and as a result of such review now desires to amend and restate the City's investment policy.

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

That the City hereby adopts the amended and restated City of El Paso Investment Policy which is attached hereto as Exhibit A and incorporated herein by reference.

Ms. Carmen Arrieta-Candelaria, Comptroller, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Steve Ortega, Presi Ortega, Jr., and Byrd commented.

Mr. Richard Schechter, citizen, commented.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried to **APPROVE** the above Resolution.

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**15A. FINANCIAL SERVICES – BEST VALUE PROCUREMENT**

Discussion and action on the award of Solicitation No. 2006-159, Security Guard Services - El Paso International Bridges, to Mike Garcia Merchant Security for a total estimated award of \$1,135,171.26.

Department: Street  
Award to: Mike Garcia Merchant Security  
El Paso, TX  
Item(s): 1, 2, and 3  
Option: Option to renew for one additional year prior to the end of the contract.  
Estimated Annual Amount: \$378,390.42  
Account No.: 32010283-40272-502212  
Funding Source: Operating Account – Security Contract  
Total Estimated Award: \$1,135,171.26

This is a thirty-six month contract. No prompt payment discount offered.

The Departments of Financial Services and Street recommend award to the bidder offering the best value bid.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and unanimously carried to **APPROVE** the above item.

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**15B. FINANCIAL SERVICES – BEST VALUE PROCUREMENT**

Discussion and action on the award of Solicitation No. 2006-204, Security Guard Services - El Paso City Zoo, to Whelan Security Co., Inc. for a total estimated award of \$563,236.80.

Department: Zoo  
Award to: Whelan Security Co., Inc.  
El Paso, TX  
Item(s): All  
Estimated Annual Amount: \$187,745.60  
Account No.: 52152001-15445-502212  
Funding Source: Operating Account – Security Contract  
Total Estimated Award: \$563,236.80

This is a thirty-six month contract with no option to renew. No prompt payment discount offered.

The Departments of Financial Services and Zoo recommend award to the bidder offering the best value bid.

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **APPROVE** the above item.

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**15C. FINANCIAL SERVICES – BEST VALUE PROCUREMENT**

Discussion and action on the award of Solicitation No. 2006-192, San Juan Senior Center Remodeling, to Matyear Construction Co., Inc. for a total estimated award of \$1,293,000.00.

Department: Parks and Recreation  
Location: 700 N. Glenwood  
Award to: Matyear Construction Co., Inc.  
El Paso, Texas  
Item(s): Base Bid \$1,293,000.00  
Total Estimated Award: \$1,293,000.00  
Account No.: 71150069-G7131CD0022-07854-508027  
Funding Source: Community Development Grant  
Estimated Completion Date: June 2007

Matyear Construction Co., Inc. has provided the best value proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services and Parks and Recreation recommend award to the bidder offering the best value bid.

Representative Lozano commented.

Mr. Rick Conner, City Engineer, commented.

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the above item.

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Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **ADJOURN** this meeting at 11:23 a.m.

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**APPROVED AS TO CONTENT:**

Richarda Duffy Momsen, City Clerk