

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 29, 2009
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:11 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. Absent: Beto O'Rourke requested to be excused. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
SPECIAL RECOGNITION AND COUNCIL RESOLUTION

Introduction and welcome to Municipal President of Juarez, Jose Reyes Ferriz and the Regidores of the Cabildo of Ciudad Juarez

.....
1.

RESOLUTION

WHEREAS, the Sister Cities of El Paso and Juarez value the shared history, culture and economy enjoyed by the people on both sides of the international border;

WHEREAS, cross-border commerce and the ability to move people, freight and consumer goods in safe, secure and efficient means is essential for the economic well being of the region;

WHEREAS, enhanced international rail systems for passengers and freight that utilize modern technology should be explored as a means to improve cross-border transportation;

WHEREAS, the City of El Paso and the City of Las Cruces, New Mexico have committed to working together to explore the possibility of extending the New Mexico Rail Runner commuter rail service to El Paso;

WHEREAS, the Governors of the states of Texas, New Mexico and Colorado have pledged their support for the creation of a high-speed rail corridor from El Paso to Denver;

WHEREAS, the El Paso City Council has requested that the sponsors of the high-speed rail project consider extending the service into Mexico; and

WHEREAS, community leaders in the El Paso/Juarez Borderplex understand that any feasibility study regarding proposed rail systems in the area must include information regarding the Juarez population and the manner in which the economy of the region is structured.

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

1. That the City of El Paso and Ciudad Juarez will continue to work together to explore the possibility of acquiring rail right-of-way or access to tracks on both sides of the border to create a commuter rail system utilizing state-of-the-art technology for secure and efficient border crossings; and

2. That the City of El Paso and Ciudad Juarez support the creation of a high-speed rail corridor with service from Chihuahua, Mexico to Denver, Colorado and will seek the support of their respective state and federal governments and provide information as needed for the feasibility studies.

Mayor Cook and Representative Byrd commented.

The following members of the public commented:

1. Mayor of Juarez, Jose Reyes Ferriz
2. Mr. Bill Addington
3. Ms. Heather McMurray

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

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

NAYS: None

ABSENT: Representative O'Rourke

.....
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. Paul Northrop
2. Mr. Jerry Thiedt
3. Mr. Steven A. Strumer
4. Ms. Lucinda Cuellar

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow an additional speaker, Ms. Lucinda Cuellar, to address the Council.

AYES: Representatives, Lilly, Byrd, Acosta, Quintana and Ortega.

NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Robinson and Holguin
ABSENT: Representative O'Rourke

.....
EX1. 800 S. Piedras, El Paso, Texas. (551.072)

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item on 800 S. Piedras, El Paso, Texas. (Section 551.072).

.....
EX2. 3228 Sacramento, El Paso, Texas. (551.072)

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item on 3228 Sacramento, El Paso, Texas. (Section 551.072)

.....
CONSENT AGENDA

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

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

.....
2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 22, 2009.

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

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Beto O'Rourke from the Regular City Council Meeting of September 29, 2009.

.....
4A.

***RESOLUTION**

That the City Manager be authorized to sign "Supplemental Lease Agreement No. 3" to Lease No. GS-07B-15258 by and between the City of El Paso ("Lessor") and the United States of America ("Lessee") regarding the Transportation Security Administration's rental of space in the El Paso International Airport terminal building to extend the lease an additional twenty-four (24) months beginning November 1, 2009 through October 31, 2011.

.....
4B.

***RESOLUTION**

That the City Manager be authorized to sign an Agreement with New Hope Alliance, for the use of City of El Paso Department of Public Health Animal Services Division space in exchange for the operation of a low cost spay/neuter, vaccination and registration service, for the public purpose of reducing the number of unwanted and unvaccinated strays and enhancing public health for the entire community.

Representative Ortega commented.

Mr. Eduardo De Castro, Deputy Director of Public Health, commented.

.....
4C.

***RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of \$33,690.40 to Karlsruhe Inc., d/b/a CSA Engineers & Constructors, for construction costs for labor and materials to install 385 additional linear feet of 8-inch sewer line along the Upper Valley and Country Club Road and to increase the contract time by 15 days, Contract Number 2009-089, change order number 5. The new contract sum, including change order 5, is \$1,862,060.78.

.....
4D.

***RESOLUTION**

WHEREAS, Missionary Radio Evangelism, Inc. or MRE, also known as Higher Ground Hosting, a Texas corporation, owns and maintains the real property located atop Mt. Franklin on a site known as Walton Peak; and,

WHEREAS, the City of El Paso desires to lease a portion of this property for the purpose of constructing, installing, operating, maintaining and repairing wireless communications facilities including radio frequency transmitting and receiving equipment, antennae, batteries and supporting structures and improvements,

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

That the City Manager is authorized to sign a Lease Agreement between the City of El Paso and Missionary Radio Evangelism, Inc. or MRE, also known as Higher Ground Hosting, for a lease term of five (5) years for the purpose of constructing, installing, operating, maintaining and repairing wireless communications facilities including radio frequency transmitting and receiving equipment, antennae, batteries and supporting structures and improvements on the property located atop Mt. Franklin on a site known as Walton Peak located in the City of El Paso, El Paso County, Texas.

Mayor Cook and Representatives Byrd, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. John Neal, Special Projects for City Manager's Office.

Mr. Bill Addington, citizen, commented.

.....

4E.

***RESOLUTION**

WHEREAS, the City awarded Contract No. 2008-195 to Texas Soil Control Inc. (the "Contractor") on June 10, 2008 for Magnesium Chloride Dust Control Agent (the "Contract"); and

WHEREAS, under the Contract, Section C, Clause 17 (Right to Assurance), the City may demand that the Contractor assure the City of Contractor's intent to continue performance and treat the failure to provide such assurance as a basis for termination of the Contract; and

WHEREAS, Texas Soil Control ceased performance of its Contract and, following the City's letter requesting confirmation that it would continue performance of the Contract, Contractor failed to respond that it would continue to perform the services under the Contract; and

WHEREAS, the Purchasing Manager of the City of El Paso recommends that City Council terminate said Contract for default pursuant to the provisions of the Contract.

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

That the Purchasing Manager is authorized to notify Texas Soil Control that the City is terminating Contract No. 2008-195 for default pursuant to the provisions and requirements of Section C, Clauses 17 and 18B of the Contract because the contractor has failed to provide assurance that they would continue to perform services under the contract and that the termination shall be effective as of September 29, 2009.

Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

.....
5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Hugo Gardea to the Historic Landmark Commission by Representative Eddie Holguin, Jr., District 6.

.....
5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Rafael Hernando III to the City Accessibility Advisory Committee by Representative Rachel Quintana, District 5.

.....
5C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Trinidad Acevedo to the Empowerment Zone Advisory Board by Representative Rachel Quintana, District 5.

.....
6. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Katherine L. Updike to the Public Service Board Selection Committee by Representative Ann Morgan Lilly, District 1.

Mayor Cook and Representative Quintana commented.

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

Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on September 9, 2009, as submitted by Representative Steve Ortega, Chair.

1ST MOTION

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

Mayor Cook and Representatives Lilly and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kathryn Dodson, Director of Economic Development
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice

NO ACTION WAS TAKEN ON THE ITEM.

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

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **DELETE** the item 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.

.....
9.

***RESOLUTION**

WHEREAS, organizations who assist persons with intellectual disabilities and closely related developmental disabilities by providing sports and athletic training and give them opportunities to develop physical fitness, demonstrate courage, experience joy and participate in the sharing of gifts, skills and friendship with their families and others with intellectual disabilities and closely related developmental disabilities, provide an important service to the citizens of El Paso by providing opportunities to persons who may not otherwise be able to so participate; and

WHEREAS, the City Council has found that the expenditure of discretionary funds to support aquatics-related events and event preparation by reducing some fees charged for children and other persons with intellectual disabilities and closely related developmental disabilities and those who actively assist them will promote the provision of better services to potentially disadvantaged persons, and the expenditure will serve an important municipal purpose and benefit to the City and the citizens of El Paso; and

WHEREAS, the City Council authorizes the City Manager establish an appropriate process to ensure that the municipal purpose is carried out by the expenditure.

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

1. That the City Council declares that the expenditure of discretionary funds in the amounts of \$1,000.00 from District 3 and \$1,000.00 from District 4 for use to offset city fees charged persons with intellectual disabilities and closely related developmental disabilities for or in regards to the participation by such persons at aquatics-related events and event preparation satisfies the important municipal purpose of providing assistance to potentially disadvantaged persons who participate in and benefit from such organized activities, and is authorized, and that the District 3 and District 4 Discretionary Funds shall be transferred to the appropriate Parks and Recreation Department Fund to be used for such purpose.

3. That the City Council authorizes the City Manager to establish a process by which all qualified persons or organizations on their behalf throughout the City will be eligible to utilize the funding provided herein for offsetting city fees charged by the Parks and Recreation Department for pool use, either individually or through the organizations providing them with assistance, during such time as the funding provided herein is available.

1ST MOTION

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

Representative Robinson commented.

Ms. Joyce Wilson, City Manager, commented.

2ND AND FINAL MOTION

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

.....
10A. 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 Oracle USA Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018, for various Oracle software components and modules including PeopleSoft ERP services and support as well as Universal Content Management in the amount of \$154,364.09 for fiscal year 2010. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351-502202-01101
Funding Source: FY 2010 Information Technology General Fund
Total Estimated Award: \$154,364.09
Reference No.: 2010-037

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

.....
10B. 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 KONE, Inc. under US Communities Contract PC 94002 (Elevator Maintenance and Service) in the annual amount of \$30,000 for maintenance and service of

City elevators. This is in addition to a previous purchase order issued to KONE, Inc. in the amount of \$85,000. Total expenditures are \$115,000.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS) State Contracts Program was approved by Mayor and City Council on February 27, 2007.

Department: General Services
Account No.: 31010325 – 502226 - 01101
Funding Source: General Fund
Total Estimated Award: \$30,000 (Total expenditures to-date: \$115,000)
Reference No.: 2010-034

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

.....
11. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-260R (New Markets Tax Credits Consulting Services) to National Council for Community Development for a total award of \$90,000.

Department: Economic Development
Award to: National Council for Community Development
d/b/a National Development Council
New York City, NY
Items: All
Annual Amount: \$90,000
Account No.: 72010268 – 502215 – 01101
Funding Source: Outside Contracts
Total Award: \$90,000 (1 year expenditure)

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

This is a twelve month contract with an option to extend the term of the contract at the same unit price for an additional one year period if the option is exercised prior to the expiration of the original term of the contract.

The Departments of Financial Services, Purchasing Division, and Economic Development's review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked qualifier as indicated.

.....
12. REQUEST FOR QUALIFICATIONS (RFG)

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2009-104R (Las Villitas Gallery Design) to C & G Partners, LLC for a total award of \$120,000.

Department: MCAD – Museum of History
Award to: C & G Partners, LLC
New York, NY

Items: All
Option: Additional Services not to exceed \$50,000
Account No.: 54150080 – 508016 – 070906– G560902
Funding Source: History Museum Grants/Exhibits/Architectural and Design Contracts/IMLS Grant
Total Award: \$120,000

The City Manager is authorized to execute any related contract documents and agreements necessary to effectuate this award and to approve additional services in an amount not to exceed \$50,000.00.

The Departments of Financial Services, Purchasing Division, and Museums & Cultural Affairs Evaluation Committee, based on evaluation criteria established for this procurement, recommend award to the highest ranked qualifier.

.....
13A. – 13C. INTRODUCTIONS

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

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

13A. An Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of The Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, by adding the extension of Redd Road as a collector arterial with bike lanes, across the Rio Grande to connect with Gomez Road.

PUBLIC HEARING WILL BE HELD ON OCTOBER 6, 2009, FOR THE ITEM 13A

13B. An Ordinance amending Title 21, SmartCode, Chapter 21.10 (General to all Plans), Section 21.10.040 (Process), Paragraph C and D; and Chapter 21.80 (Tables), Section 21.80.170, Table 14 (Summary) and Section 21.80.180, Table 15a (Form-Based Code Graphics – T3); to correct typographical errors, and to amend the density requirements in T-4 and T-5. The penalty is as provided in Chapter 21.60 of the El Paso City Code.

13C. An Ordinance changing the zoning of Lots 17 to 23 and the east 10 feet of Lot 24, Block 96, Highland Park Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to R-3/H (Residential/Historic). The penalty is as provided in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 20, 2009, FOR ITEM 13B – 13C

.....
14. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Quintana, and unanimously carried to **AWARD** Solicitation No. 2009-224 (Tire and Roadside Tire Service) to A to Z Tire and Battery, Inc. (Bid #2); American Tire Distributors; Broadway Motors d/b/a Bill Williams Tire Center; Martin Tire Company; The Goodyear Tire and Rubber Company, RB Wicker Tire & Rubber Company; and Forrest Tire Company for a total estimated amount of \$1,457,721.

| | |
|-------------------------------|---|
| Departments: | General Services, Airport, Fire and Sun Metro |
| Award to: Vendor 1 | A to Z Tire and Battery, Inc. Amarillo, TX |
| Items: | Part A, Items 2, 3, 7, 11, 12, 15, 16, 17, and 23 |
| Estimated Annual Expenditure: | \$ 165,407 |
| | |
| Award to: Vendor 2 | American Tire Distributors Forth Worth, TX |
| Items: | Part A, Items 8, 19, 25, 28, 31, 32, and 33 |
| Option: | One year |
| Estimated Annual Expenditure: | \$ 55,480 |
| | |
| Award to: Vendor 3 | Broadway Motors d\b\la Bill Williams Tire Center Midland, TX |
| Items: | Part A, Items 5, 18, 20, 22, 24, and 26 |
| Option: | One year |
| Estimated Annual Expenditure: | \$ 61,089 |
| | |
| Award to: Vendor 4 | Martin Tire Company El Paso, TX |
| Items: | Part A, Items 4, 6, 9, 13, 14, 27, 29, and 30 |
| Estimated Annual Expenditure: | \$ 67,558 |
| | |
| Award to: Vendor 5 | The Goodyear Tire and Rubber Company El Paso, TX |
| Items: | Part A, item 1 and 10 |
| Estimated Annual Expenditure: | \$ 7,581 |
| | |
| Award to: Vendor 6 | RB Wicker Tire & Rubber Company El Paso, TX |
| Items: | Part B (All items) 1 thru 8 |
| Estimated Annual Expenditure: | \$ 113,865 |
| | |
| Award to: Vendor 7 | Forrest Tire Company El Paso, TX |
| Items: | Part C (all items), 1A, 1B, 2A, 2B, 3A, and 3B |
| Option: | One year |
| Estimated Annual Expenditure: | \$ 14,927 |
| | |
| Account No.: | 37370510 – 503125 – 45202 or 37370510 – 503121 – 45202 62620003-503121-40101 22010320-502228-01101 60600015-503118-40348 |
| | |
| Funding Source: | General Services, Internal Service Fund Inventory Purchases, Airport Cost Centers Logistics, Government Operations Mass Trans Inventory Purchases, S M Inventory |
| | |
| Total Estimated Award: | \$1,457,721 (3 year total) |

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

Representative Byrd commented.

The following City staff members commented:

- 1. Mr. Terrence Freiburg, Purchasing Manager
- 2. Mr. Stuart Ed, Director of General Services

.....
15.

ORDINANCE 17209

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00033 TO ALLOW FOR A 100% PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1-6, BLOCK 86, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24.260 OF THE EL PASO CITY CODE.**

Representatives Byrd and Robinson commented.

The following City staff members commented:

- 1. Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).
- 2. Ms. Kimberly Forsyth, Engineering Lead Planner

Mr. Bill Addington, citizen, commented.

Motion duly made by Representative Byrd, seconded by Mayor Pro Tempore 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, Byrd, Acosta, Robinson, Quintana, Holguin and Ortega.

NAYS: None

ABSENT: Representative O’Rourke

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

.....
16.

ORDINANCE 17210

The City Clerk read an Ordinance entitled: **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.

Representatives Quintana and Ortega commented.

Ms. Kimberly Forsyth, Engineering Lead Planner, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

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

NAYS: None

ABSENT: Representative O’Rourke

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

.....
17.

RESOLUTION

WHEREAS, on June 26, 2007, the City Council for the City of El Paso adopted a Final Action Plan for 2007-2008 for the Consolidated Plan 2005-2010, including the 33rd Year (2007-2008) Community Development Block Grant (CDBG) Program; and

WHEREAS, on July 15, 2008, the City Council, based on the recommendation of the Director of Community and Human Development and Department staff, amended the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget by adding the Affordable Housing Credit Union Service Organization – Individual Development Account Program - \$125,000, a homeownership assistance activity designed to match savings of a minimum 112 low income, first-time homebuyer families towards the purchase of a home in the El Paso area; and

WHEREAS, based upon the recommendation of the CD Steering Committee and the Director of the Community and Human Development Department and the agency's decision to withdraw its funding request, the City Council, now desires to amend the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget by deleting one homeownership assistance activity; and

WHEREAS, on August 21, 2009, the City of El Paso published in the El Paso Times and El Diario newspapers public notice and allowed a 30-day public comment period regarding the proposed amendment to the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget, and City Council has duly considered public comment, if any.

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

1. That the Annual Action Plan (2007-2008) and 33rd Year (2007-2008) CDBG Program Budget is hereby amended as follows:

- (a) the homeownership assistance activity, “Affordable Housing Credit Union Service Organization – Individual Development Account - \$125,000” is deleted; and
- (b) the funds from the above project remain in the Community Development Contingency Account (Account No. G7129CD0001).

2. That the City Manager or her designee be authorized to take any actions necessary to accomplish the intent of the resolution.

Representatives Byrd and Quintana commented.

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

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

.....
Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 10:40 a.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk