

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 4, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:03 a.m. Alternate Mayor Pro Tempore Lozano present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., and Steve Ortega. Absent: Mayor John F. Cook and Beto O'Rourke. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

1. **HONORARY CITIZEN CERTIFICATES**
2. **COMBINED CHARITABLE CAMPAIGN**
3. **MENTAL ILLNESS AWARENESS WEEK**
4. **BREAST CANCER AWARENESS MONTH**
5. **WORLD FARM ANIMALS DAY**

.....
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 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.

.....
Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. 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 {*}).

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 27, 2005 and the Special City Council Meeting of August 16, 2005.

Representative Castro not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **EXCUSE** Mayor John F. Cook and Representative O'Rourke from the Regular City Council Meeting of October 4, 2005.

Representative Castro was not present for the vote.

***RESOLUTION**

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

That the City Manager be authorized to sign a Child Care Local Match Contribution Agreement effective October 1, 2005 between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc. (URGWDB) wherein the City of El Paso agrees to transfer the amount of \$132,983 in Community Development Block Grant (CDBG) funds to URGWDB in return for federal matching funds in the amount of \$389,298 to be utilized for direct child care services; and

That the City Manager be authorized to sign any amendments to the above-referenced Agreement which might be necessary to amend this agreement or to extend the time period to expend the federal matching child care funds provided that no additional CDBG funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development or the Deputy City Manager of Quality of Life Services.

NOTE: Resolution was approved as amended. Resolution language was revised to read "Deputy City Manager of Quality of Life Services" from the posted agenda language "Deputy CAO for Quality of Life Services".

Representative Castro was not present for the vote.

.....
***RESOLUTION**

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

That the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso, the URGWDB and the Young Women's Christian Association El Paso Del Norte Region for the purpose of obtaining federal matching funds for direct child care; and

That the City Manager be authorized to sign any amendments to the above-referenced Memorandum of Understanding which might be necessary to amend this Memorandum of Understanding or to extend the time period to expend the federal matching child care funds provided that no additional CDBG funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development or the Deputy City Manager of Quality of Life Services.

NOTE: Resolution was approved as amended. Resolution language was revised to read "Deputy City Manager of Quality of Life Services" from the posted agenda language "Deputy CAO for Quality of Life Services".

Representative Castro was not present for the vote.

.....
***RESOLUTION**

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

That the City Council hereby establishes Just Compensation and approves an offer of Just Compensation for the following properties which are proposed to be acquired for the Verdland Drive Street & Drainage Improvement Project under the Thirtieth Year (2004-2005) Community Development Program:

- Parcel 1: A portion of Tract 1, Loma Terrace No. 3, in the City of El Paso, El Paso County, Texas, containing 1,205.7 square feet, more or less. Value: \$2400.00

Parcel 2: A portion of Tract 2, Loma Terrace No. 3, in the City of El Paso, El Paso County, Texas, containing 1,714.4 square feet, more or less. Value: \$3450.00

And that the City Manager be authorized to sign Contracts of Sale and right-of-entry agreements with the respective owners for the above mentioned properties.

This project is located in District 7, Representative Steve Ortega’s District and funded by Community Development, under project G7130CD0024, Fund 07806, Account 508034.

Representative Castro was not present for the vote.

.....
***RESOLUTION**

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

That the City Manager be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **SITES SOUTHWEST**, for a project known as “**Ysleta Skate Park and Estrella Rivera Park Improvements**” in an amount not to exceed SIXTY FIVE THOUSAND THREE HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$65,392.50).

NOTE: Resolution was approved as amended. Resolution language was revised to read “City Manager”.

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

The following City staff members commented:

1. Ms. Irene Ramirez, Assistant City Engineer
2. Ms. Joyce Wilson, City Manager, stated for the record that the scores were done by fair process.

Ms. Lisa Turner, citizen, commented.

Representative Castro was not present for the vote.

.....
***RESOLUTION**

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

That the City Manager be authorized to sign a Grant agreement with the Urban Forestry Partnership Grant Program, for a grant from the Texas Forest Service in the amount of \$10,000, to conduct a tree inventory of public parks and develop a management plan that assesses the health and maintenance needs for tree, soil fertility, and irrigation system efficiency. Grant funds will be used to hire two graduate students to conduct the inventory and analyze the findings. A match for the grant in the amount of \$10,000 will be provided from Dept ID 51010262 (Land Management); Fund 01101 (General).

.....
Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Gary Hansen to the Cable Communications Commission by Representative Ann Morgan Lilly, District 1.

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried that the following tax refunds be **APPROVED**:

Representative Castro was not present for the vote.

- A. Rogelio & Roger Rodriguez in the amount of \$8,198.62 overpayment of 2004 taxes.
(PID #01MH-000-0000-0417)
- B. Talbot International Inc. in the amount of \$2,057.06 overpayment of 2002 taxes.
(PID #M473-999-0230-5000)
- C. Talbot International Inc. in the amount of \$2,070.47 overpayment of 2003 taxes.
(PID #M473-999-0230-5000)
- D. Chase Home Finance LLC in the amount of \$3,989.91 overpayment of 2003 taxes.
(PID # N425-999-0330-7300)
- E. Countywide Tax Service in the amount of \$4,873.42 overpayment of 2002 taxes.
(PID #W144-999-0140-0100)

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Solicitation No. 2005-209 Henderson Health Center ADA Upgrade

Location: 701 S. Mesa St.
 Contractor: Epcon, Inc.
 El Paso, Texas

Department: Health
 Funds Available: 71150069-G7130CD0012-07794-508027
 Funding Source: Community Development Grant
 Items: Base Bid \$54,050.00
 Total Award: \$54,050.00
 Estimate Completion Date: December 17, 2005

RECOMMENDATION:

The Departments of Engineering, and Health, recommend the award of this contract to Epcon, Inc., the low responsible, responsive bidder. 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 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.

Representative Castro was not present for the vote.

Mr. Byron Johnson, Financial Services, commented.

Ms. Lisa Turner, citizen, commented.

.....

*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Del Valle High School to hold a homecoming parade on October 13, 2005 from 6:00 p.m. to 7:00 p.m. Route: Start on Kernel to Betel, turn left on Betel to Bordeaux, turn right on Bordeaux and finish at the school stadium. Approximately 500 persons, 50 vehicles, 1 animal (horse and carriage) will take part and 1,500 spectators are anticipated. This request includes permission to use amplification (2 microphones and 2 bull horns).

PERMIT # 05-138 [Cindy Spitz]

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of MacArthur School to hold a walk-a-thon on October 8, 2005 from 8:30 a.m. to 11:30 a.m. Route: Start at MacArthur Park – 738 Gerald to W H Burges, turn right on W H Burges to Whitus, turn right on Whitus to Shaver, turn right on Shaver to Morley, turn right on Morley to Gerald, turn right on Gerald and finish at MacArthur Park. Approximately 200 persons will take part. PERMIT #05-140 [Christina Mier]

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Lucia Minjares-Aguilar to block off cul-de-sac Tierra Libre and Tierra Robles between Tierra Serena and Tierra Este on October 29, 2005 from 4:00 p.m. to 1:00 a.m. for a block party. Approximately 50 persons will take part. Barricades must be manned according to the State’s “Manual of Uniform Traffic Control Devices”. PERMIT # 05-141 [Lucia Minjares-Aguilar]

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Centro De Salud Familiar La Fe to hold a march for health on October 8, 2005 from 7:00 a.m. to 5:00 p.m. Route: Start on Sixth to Campbell, turn right on Campbell to Third, turn right on Third to Virginia, turn left on Virginia to Delta, turn right on Delta to Park, turn right on Park to Father Rahm, turn right on Father Rahm and finish between Ochoa and Florence. Also block off Sixth between Ochoa and Florence. Approximately 150 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State’s “Manual of Uniform Traffic Control Devices”. This request includes permission to use amplification (2 speakers, 2 amplifiers and 4 microphones). PERMIT # 05-142 [Frank Varela]

Representative Castro was not present for the vote.

Ms. Estela Reyes, representing Centro De Salud Familiar La Fe, commented.

.....
Motion made by Representative Presi Ortega, Jr., seconded by Representative Holguin, Jr. and unanimously carried that the following amended Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 8A.** An Ordinance authorizing the City Manager to designate an employee to perform the duties and functions assigned to the Deputy Director-Building Permits and Inspections under the City Code in the event of a vacancy in the position.
- 8B.** An Ordinance granting a Special Privilege to La Mujer Obrera to temporarily close a portion of Willow Street between Texas Avenue and Myrtle Avenue for a “Mexican Culture Street Festival” on Saturday, October 29, 2005. (Fee: \$137.50, SP-05020)

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2005 FOR ITEMS 8A – 8B

8C. An Ordinance changing the zoning of a portion of Tract 7L2, Block 30, Ysleta Grant, El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2 (Commercial/special contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7958-7960 Alameda Ave. Applicant: Rodolfo & Lilia M. Segoviano. ZON05-00092

NOTE: The above Ordinance language was revised to read as follows:
An Ordinance changing the zoning of a portion of Tract 7L2, *Fresno Place*, “. . .

8D. An Ordinance granting Special Permit No. Zon05-00099, to allow for a dance hall on the property described as tract 7I2, block 30, Ysleta Grant, El Paso, El Paso County, Texas, pursuant to Section 20.38.040 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7958-7960 Alameda Ave. Applicant: Rodolfo & Lilia M. Segoviano. ZON05-00099

NOTE: The above Ordinance language was revised to read as follows:
An Ordinance granting Special Permit No. ZON05-00099, to allow for a dance hall on the property described as *Tract 7L2, Fresno Place*,”

PUBLIC HEARING WILL BE HELD ON OCTOBER 25, 2005 FOR ITEMS 8C – 8D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. 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, 8AM to 5PM.

.....
Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **POSTPONE DISCUSSION AND ACTION TO ADOPT A CUSTOMER SERVICE MISSION STATEMENT UNTIL THE OCTOBER 13TH SPECIAL CITY COUNCIL MEETING.**

Alternate Mayor Pro Tem Lozano requested the item be postponed.

Ms. Joyce Wilson, City Manager, commented.

.....
Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **DELETE** the discussion and action to have a Legislative Review Committee when contracts over \$500K are proposed and **DIRECT STAFF TO ESTABLISH ADMINISTRATIVE PROCEDURES FOR BRIEFING THE CITY COUNCIL WHEN CONTRACTS OVER \$500K ARE PROPOSED.**

Alternate Mayor Pro Tempore Lozano and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

.....
Motion made by Representative Holguin, Jr., seconded by Representative Byrd and unanimously carried to **DIRECT** City staff through the City Manager to draft a Lease Agreement with Teens in Action so that Teens in Action may lease the Ysleta Park Recreation Center by January 1, 2006.

Alternate Mayor Pro Tempore Lozano and Representatives Holguin, Jr. and Byrd commented.

The following City staff members commented:

- 1. Dr. Norman Merrifield, Director of Parks and Recreation
- 2. Ms. Joyce Wilson, City Manager

The following members of the public commented:

1. Ms. Crystal Maldonado, President of the Youth Council, Teens in Action, gave a Powerpoint presentation. (presentation on file in the City Clerk's Office)
2. Mr. Evan Garcia
3. Ms. Veronica Valadez, Youth Volunteer

.....
 Motion made by Representative Byrd, seconded by Representative Steve Ortega and unanimously carried to **AWARD** Solicitation No. 2005-258 Towing, Storage & Sale of Motor Vehicles

Award to: El Paso Towing, Inc.
 El Paso, Texas
 Item(s): Group I & Group III
 Amount: \$80,000.00 (estimated annually)

Award to: AD Wrecker Service, Inc.
 El Paso, Texas
 Item(s): Group II
 Amount: \$849,500.00 (estimated annually)

Department: General Services and Police
 Funds available: 37370510-503125-45202
 Funding source: Various (all City Departments will be using this contract)
 Total award: \$2,788,500.00 (estimated)

The General Services, Police and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Recommendations were made by both the General Services Department and the Police Department for award of Group I to El Paso Towing, Inc.

The El Paso Police Department offered recommendations to award Group II to AD Wrecker Service, Inc. for the Authorized Police Dispatcher Tows and Group III to El Paso Towing, Inc. for the Abandoned, Junked and Illegally Parked Vehicles.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award. Additionally, vendor #1 offers the City a prompt payment discount of 15% twenty (20) days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Additionally vendor #2 offers the City a prompt payment discount of 2% ten (10) days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

Alternate Mayor Pro Tempore Lozano and Representatives Presi Ortega, Jr., Steve Ortega, Byrd, Holguin, Jr.,

The following City staff members commented:

1. Mr. Byron Johnson, Financial Services
2. Lt. Gene Gwyn, El Paso Police Department – Auto Theft
3. Mr. Charlie McNabb, City Attorney
4. Ms. Joyce Wilson, City Manager

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

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

NOTE: Ordinance language was revised from "C-4 (Commercial)" to "C-3 (Commercial)".

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance changing the zoning of a portion of Lot 2, Block 9, Lafayette Place, El Paso, El Paso County, Texas from C-1 (Commercial) to C-4/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Jorge Rivera and Blanca Serrano. ZON05-00069

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance granting Special Permit No. ZON05-00071, to allow for Shops for the Conduct of Retail Business on the East ½ of Lots 19 and 20, Block 58, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.61.060.K (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 303 & 305 Eighth Street. Applicant: Jorge Valenzuela. ZON05-00071

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance changing the zoning of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Co. Surveys, El Paso, El Paso County, Texas from R-3A/SC (Residential/Special Contract) to C-3/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10700 block of US Highway 54. Applicant: Camino Real Investments. ZON05-00074

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance changing the zoning of the East 4 feet of Lot 21, all of Lot 22, and the West 10.5 feet of Lot 23, Block 92, Bassett's Addition, El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2611 Montana Avenue. Applicant: Lisa Quintana and Diane Quintana. ZON05-00075

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance changing the zoning of Tract 465, Sunrise Acres No. 1, El Paso, El Paso County, Texas from R-4 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Center Line Home Builders/Juan Licon. ZON05-00076

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance changing the zoning of Tract 7L5, Fresno Place, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-3 (Residential). The penalty is as provided for in Chapter

20.68 of the El Paso Municipal Code. Subject Property: 100 block of Fresno. Applicant: Adan & Francisco Baca & Sal Romo. ZON05-00077

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** An Ordinance granting Special Permit No. ZON05-00083, to allow for a parking reduction on the property described as a portion of Lots 11-15, Block 214, Alexander Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 300 Cincinnati Street. Applicant: Wolfe Commonwealth I, Ltd. ZON05-00083

Representative Castro was not present for the vote.

.....
*Motion made by Representative Holguin, Jr., seconded by Representative Presi Ortega, Jr. and unanimously carried to **DELETE** the City Manager’s report of current events and issues.

Representative Castro was not present for the vote.

.....
Motion made by Representative Presi Ortega, Jr., seconded by Alternate Mayor Pro Tempore Lozano and unanimously carried to **ADJOURN** this meeting at 11:05 a.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk