

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, 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
OCTOBER 14, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:37 a.m. during Executive Session deliberations and Ann Morgan Lilly at 8:40 a.m. during Executive Session deliberations. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. WHITE CANE SAFETY MONTH**
- 2. ARCHTOBER MONTH**
- 3. RESPIRATORY CARE WEEK**
- 4. HELP•HOPE•HEALING CRIME VICTIMS' WEEK**

RECOGNITION

**AMERICAN PLANNING ASSOCIATION DESIGNATES
SOUTH EL PASO STREET ONE OF TOP 10 GREAT STREETS FOR 2008**

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. Jerry Thiedt
2. Mr. Steven Strumer
3. Mr. Arthur Ward
4. Mr. Paul de la Peña

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

1. CITY MANAGER

City Manager’s report of current events and issues:

Briefing to Council on the "Let's Get to Work" Community Clean-Up Campaign.

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

NO ACTION was taken on the item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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, Castro, Quintana, Holguin, Ortega, and O’Rourke
NAYS: None

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2. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 7, 2008.

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3. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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4A.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso and the El Paso Center for Mental Health and Mental Retardation Services for the expenditure of District 3 discretionary funds in the amount of \$269.97 to pay towards the costs of the application and police traffic services in conjunction with a parade permit to be issued to MHMR for their parade to be held on October 16, 2008.

Representative Acosta commented.

Mr. Rene Hurtado, Chief External Affairs Officer for El Paso Center for Mental Health and Mental Retardation Services, commented.

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4B.

***RESOLUTION**

That the City Council approves the Collection, Care & Management Policy of the City of El Paso Museum of Art attached as Exhibit “A”.

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5A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Sally J. Andrade to the Empowerment Zone Advisory Board by Representative Beto O'Rourke, District 8.

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5B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ruben Esparza to the Information Technology Advisory Board by Representative Susie Byrd, District 2.

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6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Lawrence W. Vanley to the Retired and Senior Volunteer Program Advisory Council – RSVP, filling an unexpired term, by Representative Melina Castro, District 4.

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6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Siria Rocha to the Art Museum Advisory Board by Representative Emma Acosta, District 3.

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6C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jose Melendez to the Zoning Board of Adjustment, as a regular member, by Representative Steve Ortega, District 7.

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7. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2005-193R (Building Space Rental Eastside Health Clinic Resolicited) with River Oaks Properties, LTD for three additional years pursuant to the provisions to an award approved by Board of Health on May 18, 2005, and that the Purchasing Manager clarify that the address of the leased property as 1757 George Dieter Drive, Suite 109-111. Contract period is September 1, 2008, to September 1, 2011

Department: Public Health
Option: One [of Two]
Estimated Amount: \$164,700 (Total for three year extension)
Account No.: 41150011-502400-06330-G4108AD
41150011-502400-06332-G4108NE
Funding Source: TDH WIC Services, Admin WIC Admin-FY08
TDH WIC Services, NE04 WIC Nutrition-FY08

Mr. Terrence Freiburg, Purchasing Manager, commented.

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8. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-196 (Information Technology Strategic Plan) to LBL Technology Partners for a total estimated award of \$59,850.

Department: Information Technology
Award to: LBL Technology Partners
Minneapolis, MN

Items: All
Annual Estimated Amount: \$59,850
Account No.: 39010351 – 502202 - 01101
Funding Source: Data Processing Services Contract, Operating Account
Total Estimated Award: \$59,850

The Departments of Financial Services, Purchasing Division, and Information Technology recommend award to LBL Technology Partners, the vendor offering the best value bid.

Representatives O'Rourke and Castro commented.

Mr. Gerald Gordier, Chief Information Officer and Director of Information Technology, commented.

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9. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-245 (Crime Victims Memorial Reading Garden at Yucca Park) to Lomeli & Sons Landscaping Co., Inc., for a total estimated amount of \$305,174.60.

Department: Engineering
Award to: Lomeli & Sons Landscaping Co., Inc.
El Paso, TX
Base Bid: \$268,634.60
Option No. 1: \$ 36,540.00
Account No.: 71150069 – 508027 – 07887 – G7134CD0017
51159242 – 508027 – (16137-16241) – PPA08001
Funding Source: Community Dev. Block Grant and Parkland Dedication Funds
Total Est. Award: \$305,174.60

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract.

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

Representatives Castro and Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Javier Reyes, Engineering Division Manager, commented.

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10A. INTRODUCTION

*Motion made, seconded, and unanimously carried to **DELETE** the Introduction of 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. Applicant: Wal-Mart Stores Texas, LP.

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10B. – 10C. INTRODUCTIONS

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

10B. An Ordinance changing the zoning of a portion of Tract 10A, 11A, 12A, and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, from A-M/SC (Apartment-Mobile Home Park/Special Contract) to R-5/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10C. An Ordinance granting Special Permit No. ZON08-00042 to allow for a planned residential development with reduced side setbacks and reduced lot depths on a portion of Tract 10A, 11A, 12A, and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, pursuant to section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 4, 2008, FOR ITEMS 10B – 10C

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11A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-069 (Janitorial Services – El Paso Department of Public Health Facilities) to Total Cleaning Services and The Eagle Janitorial Services for a total estimated award of \$726,496.28.

Department:		Health
Award to:	Vendor 1:	Total Cleaning Services El Paso, TX
Items:		1 – 5
Option:		2 years
Estimated 36-Month Amount:		\$368,490.76
Award to:	Vendor 2:	The Eagle Janitorial Services El Paso, TX
Items		6, 9 -14, 16, 17, 19
Option:		2 years
Estimated 36-Month Amount:		\$358,005.52
Account No.:		41150011 – 502206 – 06330
Funding Source:		Health Department
Total Estimated Award:		\$726,496.28

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 Health recommend award to Total Cleaning Services and The Eagle Janitorial services, the vendors offering the best value bids.

Representatives Holguin and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

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11B. FINANCIAL SERVICES

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:22 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Lilly, seconded by Representative Quintana, and unanimously carried to **ADJOURN** the Executive Session at 10:29 a.m. and **RECONVENE** the meeting of the City Council.

3RD MOTION

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:47 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

4TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 11:02 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Castro

5TH AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **DELETE** the item on discussion and action on the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to McNeilus Truck & Manufacturing, the sole source for parts and warranty service for McNeilus Automatic Side Load Refuse Trucks for a total estimated annual amount of \$750,000.

Department: General Services
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services, Fleet Services Division
Total Award: \$750,000
Reference No.: 2009-044

NOT PRESENT FOR THE VOTE: Representative Castro

Representatives Acosta, Ortega, Castro, Byrd, and Quintana commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Mr. Terrence Freiburg, Purchasing Manager
3. Ms. Ellen Smyth, Director of Environmental Services
4. Mr. John Neal, Acting Director of General Services

Mr. Jim Martinez, representing G.O.T. Supply, and Mr. Albert Torres, G.O.T. Supply, commented.

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12A.

ORDINANCE 17010

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 147, CHAPARRAL PARK UNIT 33, AND LOT 3, BLOCK 147, CHAPARRAL PARK UNIT 36, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representative Castro

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

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12B.

ORDINANCE 17011

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 2, AKA THE NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, AND TRACT 4B AKA THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

Mr. Stanley Jobe, Jobe Materials, commented.

Motion duly made by Representative Castro, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED, WITH IMPOSING CONDITIONS**. 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, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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12C.

ORDINANCE 17012

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11 THROUGH 20, BLOCK 224, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O (APARTMENT/OFFICE) TO GMU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, 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, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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12D.

ORDINANCE 17013

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND CHAPTER 20.18 (SIGN REGULATIONS), ARTICLE 1, (GENERAL PROVISIONS), AND ARTICLE IV, (ON-PREMISE SIGN REGULATIONS), SECTION 20.18.400 (GENERAL) OF THE EL PASO CITY CODE TO AMEND THE TYPES OF CHANGEABLE ELECTRONIC VARIABLE MESSAGE AND DIGITAL SIGNS ALLOWED. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Mayor Cook and Representatives O'Rourke, Holguin, Ortega, Acosta, Byrd, Quintana, Lilly, and Castro commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Kevin Downing, Planet Fitness – Mesa
2. Ms. Jan Francis, Francis Fluorescent Signs
3. Mr. Jeremy Francis, Francis Fluorescent Signs
4. Mr. Ralph Crouse, Desert East Golf Driving Range
5. Mayor Pro Tempore Byrd read a letter into the record from Kathryn Palafox, Keep El Paso Beautiful

- 6. Mr. Kevin Buntyn, 21C Signs
- 7. Mr. Gus Haddad, Chair of the City Plan Commission
- 8. Ms. Yolanda Giner, Attorney

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Buntyn to address the Council after the sign-up period.

2ND MOTION

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

3RD MOTION

Motion duly made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, that the Ordinance be **ADOPTED, WITH AN AMENDMENT THAT FLASHING, SCROLLING, AN ANIMATION ARE NOT PERMISSABLE**. 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, and Ortega

NAYS: Representatives Acosta, Castro, Quintana, Holguin, and O'Rourke

Whereupon the Mayor ordered that, the vote having been cast against the Ordinance, as revised, the **MOTION FAILED**.

4TH AND FINAL MOTION

Motion duly made by Representative Holguin, seconded by Representative O'Rourke, that the Ordinance be **ADOPTED, AS PRESENTED BY THE CITY PLAN COMMISSION WITH AMENDMENTS READ INTO THE RECORD**. 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 Acosta, Castro, Quintana, Holguin, and O'Rourke

NAYS: Representatives Lilly, Byrd, and Ortega

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS PRESENTED BY THE CITY PLAN COMMISSION WITH AMENDMENTS READ INTO THE RECORD**.

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12E. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the public hearing on an Ordinance approving the Medical Center of the Americas Master Plan as a study area plan to be incorporated into the City's comprehensive plan, "The Plan for El Paso", and that the 2025 General Land Use Map be amended to incorporate the modification.

12F. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on a Resolution addressing the concerns of the possible use of Eminent Domain for the purposes of the Medical Center of the Americas Master Plan, study area plan, and further, that the City Council of the City of El Paso resolves not to consider the use of eminent domain as an implementation strategy within the study area for any project other than for public purposes for a twelve month time period following the date of formal adoption of the plan for the proposed Medical Center of the Americas as a study area.

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13A. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on the recommendation from the Environmental Services Legislative Review Committee regarding the implementation of a franchise fee for commercial haulers.

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13B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the item on the recommendation from the Environmental Services Legislative Review Committee regarding the implementation of roll-off service.

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13C. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on discussion and action to have the City apply and for staff to be designated to provide for the necessary documents to complete an application for a grant to the Department of Transportation Federal Railroad Administration for funding availability for the Program for Capital Grants for Rail Line Relocation and Improvement Projects to make one of the locations "The rail lines located in the proximity of the Medical Center of the Americas planned area", to request the County of El Paso, the County hospital district, Texas Tech, and any other jurisdiction as well as the Medical Center of the Americas Foundation, and any others that may wish to join in the application process so that the application and support effort is recognized by the awarding agency. That local, state, and federal elected representatives as well as other non-elected private and non-profit agencies be asked for letters of support. That all documents be prepared as indicated on the Federal Registry and the grant application be submitted by the deadline of November 28, 2008, or sooner.

Representative Acosta commented.

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14. ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item an discussion and action to ratify establishment of appropriations required for Northwind Wall Improvement project by budget transfer #2008-1399 posted on July 18, 2008, for \$750,000 and further augment appropriations by an additional \$250,000 as requested by the Engineering Department.

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15. FINANCIAL AND ADMINISTRATIVE SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item on discussion and action on a Resolution regarding the quality of transmission and customer service provided by Time Warner Cable under the state issued certificate of franchise authority.

16. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **DELETE** the item and send it to the Fiscal Affairs & Management Support/Internal Audit LRC.

Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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The City Council Meeting **RECESSED** at 1:08 p.m. and **RECONVENED** at 2:00 p.m.

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Motion made by Representative Holguin, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECESS** the City Council Meeting at 2:01 p.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative O’Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 2:23 p.m.

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17. OFFICE OF MANAGEMENT AND BUDGET

*Motion made, seconded, and unanimously carried to **DELETE** the item on a Resolution authorizing the City Manager to sign an Interlocal Governmental Agreement between the City of El Paso and the University of Texas at El Paso (UTEP) in order that UTEP’s Institute for Policy and Economic Development (“IPED”) conduct a public survey to coincide with the City’s Strategic Plan. This survey will have citizens rank priority functions (services) as provided by the City of El Paso and its corresponding departments. This will allow the Office of Management and Budget to review funding trends based on actual citizenry input and their perceived priorities. The results will be incorporated in the FY2009 strategic plan working sessions. Amount of contract is \$15,000.

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ITEMS TAKEN TOGETHER:

18A. CITY MANAGER

City Manager’s report of current events and issues:

Staff overview of the annexation provisions and impact fee regulations pursuant to state code; chronology of City actions taken relative to preparation of an annexation plan and roadway and water/wastewater impact fees; and recommendations related to a 10-year Annexation Plan and imposition of Roadway and Water/Wastewater impact fees.

18B. CITY MANAGER

City Manager’s report of current events and issues:

Discussion and action on recommendations submitted on October 2, 2008 by the Planning & Development Legislative Review Committee regarding:

- 1. 10-Year City Annexation Plan;

2. Creation of a Capital Improvements Advisory Committee related to the imposition of impact fees;
3. Imposition of Roadway Impact Fees, and recommended fee schedules;
4. Imposition of Water and Wastewater Impact Fees, and recommended fee schedules;
5. Timeline for City Council consideration, review, adoption and imposition of roadway and water/wastewater impact fees;
6. Other recommendations related to annexation provisions and imposition of impact fees.

Mr. John Neal, City Manager's Office, and Mr. Richard Giardina, Vice President of Red Oak Consulting, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Castro, O'Rourke, Lilly, Acosta, Ortega, Byrd, and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Nick Costanzo, Assistant General Manager for El Paso Water Utilities
3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Mr. Bob Andron, General Counsel for El Paso Water Utilities, gave legal advice.
6. Ms. Pat Aauto, Deputy City Manager of Develop

The following members of the public commented:

1. Mr. Charlie Wakeem, President of the Coronado Neighborhood Association
2. Mr. Ray Gilbert
3. Mr. Dan Olivas
4. Ms. Linda Troncoso, El Paso Association of Builders
5. Ms. Nancy Fisher, El Paso Association of Builders
6. Mr. Ned Muñoz, Texas Association of Builders
7. Mr. Bobby Bowling, Tropicana Homes
8. Mr. Mark Dyer, El Paso Association of Builders
9. Mr. Ray Aauto, El Paso Association of Builder
10. Mr. Ray Mancera, Hispanic Builders Alliance
11. Mr. Doug Echlin, Vice President of the Coronado Association and the representative for the Northwest Planning Area Neighborhoods on the Neighborhood Coalition Counsel (read letter into the record from H.W. Bill Sparks)

1ST MOTION

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Fisher an additional five minutes to address the Council.

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Bowling an additional three minutes to address the Council and to allow for additional speakers after the sign-up period.

The following Motions pertain to item 18B only:

3RD MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ACCEPT** the staff recommendation on road impact fees.

4TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPOINT** a committee consisting of nine members appointed by Council, 40% from Real Estate, Development, or Building industries, and one member from the Extra Territorial Jurisdiction (ETJ). The committee, in addition to the other statutory requirements, will be assigned the following responsibilities: a) to review the service areas; b) to review the options available on impact fee reduction for affordable housing; and c). that impact fees be assessed based on the traditional method.

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

NAY: Representative Quintana

5TH AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **DIRECT** staff to bring forward the 10-year Annexation Plan, separate and apart from the impact fee issue.

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Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 6:12 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk