

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
OCTOBER 17, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Melina Castro at 8:44 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. TRIBUTE TO JERRY P. RAINEY WEEK
2. NATIONAL MAKE A DIFFERENCE DAY

RECOGNITIONS

1. THE MAYOR'S 100 TEENS
2. PLAQUE TO CHAD MICHAUD
3. CERTIFICATES OF RECOGNITION TO STUDENTS FROM CHAPIN HIGH SCHOOL

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.

The following members of the public commented:

1. Mr. Richard Schecter
2. Mr. Walt Phillips
3. Ms. Rosa Guerrero
4. Ms. Esther Perez
5. Mr. Steven Strumer
6. Mr. Larry Wilder

Motion made by Representative , seconded by Representative , and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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 Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NOT PRESENT FOR THE VOTE: Representatives Castro

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

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:19 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....
EX1. Claim of Gloria Tellez, Our File No. 06-130/Street. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr. seconded by Representative Steve Ortega, and carried that the City Attorney's office be authorized to **REJECT** claimant's settlement demand in the claim of Gloria Tellez, Our File No. 06-C-130/Street.

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

.....
EX2. Claim of Albert Chavez, Our File No. 06-C-131/SWM. (551.071).

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

.....
EX3. Claim of Jaime Moreno/SM/L0048. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **REJECT** claimant's settlement demand in the claim of Jaime Moreno, Our File No. JMoreno/SM/L0048.

.....
EX4. Economic Development related negotiations regarding business prospect (ED-BS060710 JLH Ex. 1) and the possible offer of financial or other incentives to the subject prospect. (551.087).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried to authorize the staff of the Department of Economic Development and REDCO to **OFFER** incentives to business prospect ED-BS060710 JLH Ex.1 in accordance with the three (3) recommendations they made to City Council on this date and to prepare the required the documentation for consideration of City Council once negotiations are complete.

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Bob Cook, REDCO, commented.

Mr. Richard Schecter, citizen, commented.

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

NAYS: Representatives Castro and Holguin

.....
EX5. Dr. Jorge Magaña, Our File No. 06-C-107. (551.071).

NO ACTION WAS TAKEN on the item.

.....
EX6. Permission to file a lawsuit seeking injunctive and other available relief against Mike Nami and any other responsible persons who are illegally dumping fill dirt in a drainage system on City owned property and on/around 5837 Via Cuesta Drive, El Paso, Texas, 79912. (551.071).

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

.....
CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for Regular City Council Meeting of October 10, 2006, and the Special City Council Meeting of October 9, 2006 (Agenda Review).

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

NO ACTION WAS TAKEN on this item.

.....
3.

***RESOLUTION**

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

THAT the Mayor be authorized to sign the Rio Grande Council of Government Mutual Aid Agreement with the Town of Anthony, Town of Vinton, City of El Paso, County of El Paso, Town of Horizon, City of Socorro, Town of Clint, County of Hudspeth, Dell City, County of Culberson, Town of Van Horn, County of Jeff Davis, City of Valentine, County of Presidio, City of Marfa, City of Presidio, County of Brewster, City of Alpine and Ysleta del Sur Pueblo Tribe pursuant to Section 418.101 of the Texas Government Code to provide for mutual assistance in managing any emergency or disaster.

.....
4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Jose Melendez to the Zoning Board of Adjustment, as alternate member.

.....
4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Martin Raymond Wagner to the City Accessibility Advisory Committee.

.....
5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Louis Mona to the Information Technology Advisory Board.

.....
5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Sandra Chiquito to the Workforce Retraining Advisory Committee.

.....
5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jesus Olivas to the Airport Board.

.....
6. BID

*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation 2006-177, Fire Hose and Fittings, to First In, Inc., Municipal Emergency Services, Inc., Flamebuster Supply/Rowe Industries, and Fire Service Equipment, Inc. for a total estimated award of \$150,000.00.

Department:	Fire
Award to: Vendor 1	First In, Inc. El Paso, TX
Item(s):	1A, 1B, 1C, 1D, 2A, 2B, 2C, and 2D
Option:	Vendor 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within two (2) years from the date of the award.
Annual Estimated Amount:	\$15,000.00
Award to: Vendor 2	Municipal Emergency Services, Inc. Houston, TX
Item(s):	3A, 4C, 4D, 4E, 4F, 4G, 5A, 5B, 5C, 6A, 6B, 6D, 6E, 8A, 8B, 8C, 8D and 8E
Annual Estimated Amount:	\$22,500.00
Award to: Vendor 3	Flamebuster Supply/Rowe Industries Hope, AR
Item(s):	4A, 4B, 6C, 6F, and 6G,
Annual Estimated Amount:	\$2,500.00
Award to: Vendor 4	Fire Service Equipment, Inc. Rio Rancho, NM
Item(s):	6H, 7A, 7B and 7C
Annual Estimated Amount:	\$10,000.00

Total Annual Estimated Amount: \$50,000.00

Account No.: 22010319-503123-22009-01101
Funding Source: Fire Department General Operating Fund-Safety Gear
Total Estimated Award: \$150,000.00

This is a requirements type contract with an initial term of thirty-six (36) months.

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

7. FIRE DEPARTMENT

*Motion made, seconded, and unanimously carried that the City of El Paso **ACCEPT** the tested and approved fire hydrants listed below to provide adequate fire protection to existing and new areas.

- | | Hyd. # | Location |
|-----|--------|--|
| A. | 7956 | 196 'B' Mowad Rd., South Loop |
| B. | 7957 | 199 'B' Mowad Rd., North Loop |
| C. | 8018 | Pan American Dr., 245' + South of Franklin Spur Drain |
| D. | 8019 | Pan American Dr. & Winn Rd., South-East corner |
| E. | 8044 | Goodyear Dr., 335' + South-West of James Watt Dr. |
| F. | 8065 | Franklin Dr., 170' + South of N. Carolina Dr. |
| G. | 8132 | 825 N. Zaragosa Rd., 580' + North of North Loop Rd. (easement) |
| H. | 8154 | 12629 Sun Trail Dr., 392' + West of Crystal Ridge St. |
| I. | 8159 | American Dr. & Northrop Rd., South-East corner |
| J. | 8173 | N. Zaragosa Rd., 185' + West of George Dieter (easement) |
| K. | 8246 | 9523 Viscount Bl., 150' + North of Gateway West Bl. (East of R.O.W.) |
| L. | 8248 | Tierra Negra Dr. & Tierra Dura Dr., North-West corner |
| M. | 8266 | Walter Jones Bl., 950' + East of Spur Dr. |
| N. | 8276 | 11444 Rojas Dr., 385' + West of Goodyear Dr. |
| O. | 8291 | Apollo Av., 134' + West of Pandora St. |
| P. | 8292 | Apollo Av., 45' + West of Diana Dr. |
| Q. | 8293 | Apollo Av., 316' + West of Mt. Latona Dr. |
| R. | 8302 | Sun Spirit Dr. & Sun Quest St., North-East corner |
| S. | 8303 | Sun Spirit Dr. & Crystal Dr., North-West corner |
| T. | 8304 | 12621 Sun Empress Dr., 365' + West of Crystal Ridge Dr. |
| U. | 8305 | Sun Mist Ct. & Sun Quest St., North-East corner |
| V. | 8306 | Sun Mist Ct. & Crystal Ridge Dr., North-West corner |
| W. | 8307 | 12621 Sun Haven Dr., 265' + West of Crystal Ridge Dr. |
| X. | 8308 | 12515 Sun Empress Dr., 320' + West of Sun Quest St. |
| Y. | 8309 | 12505 Sun Spirit Dr., 500' + West of Sun Quest St. |
| Z. | 8313 | 6226 Oryx Cr., 328' + South-East of Cross Ln. |
| AA. | 8319 | 8833 Dyer St., 124' + South of Moonlight Av. |
| BA. | 8334 | 281 Redd Rd., 488' + East of Gus Rallis Dr. |
| CA. | 8347 | 7261 Desert Eagle Dr., 127' + West of Cactus Spine Ln. |
| DA. | 8351 | Loma Taurina Dr. & Loma Del Sol Dr., North-West corner |
| EA. | 8352 | 4337 Loma Taurina Dr., 129' + North-West of Loma Isla Ln. |
| FA. | 8415 | 1137 Calle Parque Dr., 815' + East of Calle Roja Wy. |
| GA. | 8416 | 1101 Calle Parque Dr., 140' + East of Calle Roja Wy. |
| HA. | 8427 | Physicians Dr., 314' + East of George Dieter Dr. |
| IA. | 8430 | Physicians Dr. & David Ray Wy., North-West corner |
| JA. | 8431 | Physicians Dr. & Stone Canyon Wy., North-West corner |

- KA. 8435 1301 Bob Hope Dr., 250' + North of Dave Johnson Dr.
- LA. 8436 Aloe Vera Ln. & Helen of Troy Dr., South-East corner
- MA. 8437 7367 Prickley Pear Dr., 232' + South of Helen of Troy Dr.
- NA. 8438 7348 Helen of Troy Dr., 176' + East of Prickley Pear Dr.
- OA. 8439 7341 Prickley Pear Dr., 595' + South-West of Helen of Tory Dr.
- PA. 8440 Prickley Pear Dr. & Helen of Tory Dr., South-East corner
- QA. 8441 1516 Nardo Goodman Dr., 175' + South of Helen of Tory Dr.
- RA. 8442 Pataya Ln. & Helen of Tory Dr., South-East corner
- SA. 8443 Leigh Fisher Bl., 335' + North of Butterfield Trail Bl.
- TA. 8448 Escobar Dr., 643' + West of Valley Crest Dr.,
- UA. 8449 Diesel Dr., 1505' + South of Castner Dr.
- VA. 8450 Diesel Dr., 782' + South of Castner Dr.
- WA. 8452 Kessler Dr., 400' + North of Castner Dr.
- XA. 8453 3313 Eileen Dr., 223' + South of Arjay Dr.
- YA. 8454 3381 Eileen Dr. & Evans Dr., South-East corner
- ZA. 8455 5061 Fred Wilson Av., 1206' + East of Planeport Rd.
- AB. 8456 5061 Fred Wilson Av., 1722' + East of Planeport Rd.
- BB. 8457 Turner Rd., 75' + East of George Dieter Dr.
- CB. 8458 Gateway West Bl., 130' + East of McRae Bl.
- DB. 8459 Rosa Av. & Roosevelt St., North-West corner
- EB. 8464 850 Talbot Av., (road A & road B, South-East corner)
- FB. 8465 850 Talbot Av., (road A, 600' + South of road C)
- GB. 8466 850 Talbot Av., (road A, 200' + South of road C)
- HB. 8467 850 Talbot Av., (road A, 206' + North of road B)
- IB. 8483 Pheasant Rd. & Dyer St., North-East corner
- JB. 8491 5915 Silver Springs Dr., 220' + North of Silver Springs Dr. (easement)
- KB. 8506 613 Pat Cruz Ln., 250' + East of Laguna Dr.
- LB. 8548 South Strahan Rd., 3126' + South of Artcraft Dr.
- MB. 8549 South Strahan Rd., 2657' + South of Artcraft Dr.
- NB. 8550 South Strahan Rd., 2173' + South of Artcraft Dr.
- OB. 8551 South Strahan Rd., 1600' + South of Artcraft Dr.
- PB. 8552 South Strahan Rd., 1130' + South of Artcraft Dr.
- QB. 8553 South Strahan Rd., 620' + South of Artcraft Dr.
- RB. 8554 South Strahan Rd., 110' + South of Artcraft Dr.
- SB. 8557 Doniphan Dr., 40' + North-West of Frontera Rd.
- TB. 8559 Alfredo Vasquez Pl., 300' + North of Jon Cunningham Bl.
- UB. 8588 Atlantic Rd., 380' + North-East Of Doniphan Dr.
- VB. 8636 North Loop Dr., 670' + South-East of Muralla Wy.
- WB. 8641 42 Butterfield Cr., 402' + South-East of Butterfield Trail Bl.
- XB. 8642 Dakota Ridge Dr., 313' + East of E. Redd Rd.
- YB. 8649 Kokopelli Wy., 290' + North of Dakota Ridge Dr.
- ZB. 8662 Pellicano Dr., 500' + East of Cedar Oak Dr.

.....

8A. PERSPECTIVA + 3D/I

Recommendation to transfer \$500,000 from the Westside Community & Recreation Center to the Parks Contingency Fund based on savings in the construction contingency project.

*Motion made, seconded, and unanimously carried to **DELETE** the above item.

.....

8B. PERSPECTIVA + 3D/I

Recommendation to Council to authorize the transfer of \$400,000 from the Parks Contingency Fund to the Pavo Real Pool Improvements Project to allow contract to be awarded due to unfavorable construction bids received on 08/23/06.

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

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

- A. An Ordinance approving the Downtown 2015 Plan as a study area plan to be incorporated into the City's comprehensive Plan, *The Plan for El Paso*, and which study area plan shall amend the Year 2025 General Land Use Map incorporated therein as to the Downtown Area.

PUBLIC HEARING WILL BE HELD ON OCTOBER 31, 2006, FOR ITEM A

- B. 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, to delete the proposed Camelot Heights Drive as a minor arterial between Stanton Street and Mesa Drive. Applicant: SBS Development Company, LLC.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 7, 2006, FOR ITEMS B

.....
10A. 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; from C-4 (Commercial) to PR-1 (Planned Residential 1); 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 passed to **POSTPONE** the above item for six weeks.

.....
10B. PUBLIC HEARING – DEVELOPMENT SERVICES

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.

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

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **POSTPONE** the above item for one week.

.....
ITEMS TAKEN TOGETHER:

10C.

ORDINANCE 16471

The City Clerk read an Ordinance entitled: **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.**

10D.

ORDINANCE 16472

The City Clerk read an Ordinance entitled: **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 20.22.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Byrd and Castro commented.

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

Motion duly made by Representative Byrd, seconded by Representative Lilly, that the Ordinances be **ADOPTED, AS REVISED (ORDINANCE 16472)**. 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**.

.....
10E.

ORDINANCE 16473

The City Clerk read an Ordinance entitled: **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.**

Mayor Cook and Representative O'Rourke commented.

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

Motion duly made by Representative Lozano, seconded by Mayor Pro Tempore Presi Ortega, Jr., that the Ordinances be **ADOPTED, AS REVISED**. 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
- ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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

.....
10F. PUBLIC HEARING – DEVELOPMENT SERVICES

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.

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

Mr. Tom Paul, Hunt Communities, commented.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the above item for one week.

.....
11.

ORDINANCE 16474

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 2.64 OF THE EL PASO MUNICIPAL CODE (CITY EMPLOYEES' PENSION FUND) TO ALLOW OTHER ENTITIES, INCLUDING THE EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT, TO ADOPT THE CITY EMPLOYEES' PENSION FUND.**

1ST MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **CLOSE** the Public Hearing on the above item.

2ND AND FINAL MOTION

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**.

12.

RESOLUTION

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

WHEREAS, on August 29, 1984, the El Paso City-County Health District was established through a cooperative agreement entered into by and between the City of El Paso (the "**City**") and the Commissioner's Court of El Paso County, Texas (the "**Cooperative Agreement**");

WHEREAS, on March 10, 1992, the Cooperative Agreement was amended to change the name of the El Paso City-County Health District to El Paso City-County Health and Environmental District (the "**District**");

WHEREAS, Chapter 2.64 (City Employee's Pension Fund) of the El Paso City Code (the "**Code**") establishes the creation of a pension fund for eligible City employees known as the City Employees' Pension Fund (the "**Fund**");

WHEREAS, pursuant to Section 2.64.130 of the Code, employees of the District have historically participated in the Fund and have been treated, for all matters relating to the Fund, similar to City employees;

WHEREAS, pursuant to the Internal Revenue Code of 1986, as amended, a sponsoring employer of a pension fund may allow another entity, whether or not it is affiliated with the sponsoring employer, to become a participating employer of the Fund; provided that such entity makes its own contributions to the Fund for its employees;

WHEREAS, the City is the sponsoring employer of the Fund;

WHEREAS, although historically the District has been treated by the City and has acted similar to a participating employer of the Fund, the District had not formally adopted the Fund until March 9, 2006 when the Board of Health of the District adopted a resolution whereby the District formally adopted the Fund for its employees;

WHEREAS, Chapter 2.64.010 of the Code permits the District's participation as an adopting employer of the Fund; and

WHEREAS, the City desires that the District become an adopting employer of the Fund.

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

THAT the City hereby approves the District's adoption of the Fund; provided that the District, as an adopting employer of the Fund, assumes the obligations of an employer under the terms of the Fund as may be amended from time to time.

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

13A. MAYOR AND COUNCIL

Discussion and action regarding the appeal by Dale W. McNutt of "Club Helios" at 416 E. Rio Grande for the sale of alcoholic beverages due to the business' proximity to a day care in accordance with Section 20.08.090(B) .4 of the El Paso Municipal Code.

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

1ST MOTION

*Motion made, seconded, and unanimously carried to **DELETE** the above item.

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **DIRECT** staff to bring back the item, properly posted, in two weeks.

.....
NO ACTION WAS TAKEN on the following items, except for procedural motions:

ITEMS TAKEN TOGETHER:

13B. MAYOR AND COUNCIL

Discussion and action to extend the warning period for the red-light cameras for 45 days, or 30 days after the last camera is installed, whichever is later. This extended grace period should be used to conduct a public education campaign to correct misinformation that has been disseminated in the recent past, as well as to provide City Council with an opportunity to address questions raised by the public, including but not limited to:

- 1. safety issues;
- 2. placement and locations of cameras;
- 3. fairness issues
- 4. distribution of proceeds from the tickets generated by the cameras;
- 5. and other misrepresentations

by Representative Jose Alexandro Lozano as supporting agent and/or sponsor for Mr. Larry Wilder.

17B. CITY MANAGER

City Manager's report of current events and issues:

Status report on the Red Light Camera Pilot.

Police Traffic Commander Eric Shelton presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Steve Ortega, Presi Ortega, Jr., Holguin, Lozano, Holguin, Castro, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Police Chief Paul Cross
3. Police Sergeant Jack Matthews
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Larry Wilder
2. Ms. Chita Guevara

1ST MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Chita Guevara to speak after the sign-up period.

2ND MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Larry Wilder an additional two minutes to speak.

3RD AND FINAL MOTION

Motion made by Representative Castro and seconded by Representative Lozano to **SUSPEND THE RULES OF ORDER** and allow Mr. Larry Wilder to speak as long as he required. Motion **FAILED**.

AYES: Representatives Byrd, Lozano, Castro, and Holguin

NAYS: Mayor Cook and Representatives Lilly, Presi Ortega, Jr., Steve Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

.....
NO ACTION WAS TAKEN on the following item:

13C. MAYOR AND COUNCIL

Discussion and action regarding the City of El Paso co-sponsoring the West Texas Confederation of Clubs regarding:

1. Obtain a one-time special permit for a procession to take place on city streets on November 5, 2006, for the purpose of collecting toys from the public to give to children at Christmas time;
2. To allow them to continue their procession for a 24-25 miles distance as they have done for the past 25 years;
3. Review of the charges to the West Texas Confederation of Clubs from the City of El Paso for a 5-mile procession as opposed to a 24-mile procession;
4. Payment of the difference [approximately six hundred dollars (\$600)] through discretionary funds from District 3 and other districts wanting to assist.

Mayor Cook and Representatives Lozano, Castro, Holguin, and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Assistant Police Chief Paul Cross

The following members of the public commented:

- 1. Mr. Jerry Kelly
- 2. Mr. Glenn Green
- 3. Mr. Armando Parra
- 4. Mr. Dusty Warden
- 5. Mr. Frankie Gomez

.....
14A.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **RE-APPOINT** Dr. James Herendeen and Mr. Gilbert Carrasco to the El Paso Community Mental Health/Mental Retardation Center Board of Trustees to the terms they are presently holding over in that expire on December 31, 2007.

.....
14B.

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **APPOINT** Xavier Banales to the El Paso Community Mental Health/Mental Retardation Center Board of Trustees.

Representative Byrd commented.

Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.

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

.....
15A.

RESOLUTION

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

WHEREAS, the City of El Paso (the "City") resolved to commission a "Downtown Redevelopment Plan" as an addendum to the City's comprehensive plan, *The Plan for El Paso*, to address the needs of the downtown area and to foster and support economic growth and opportunity; and

WHEREAS, Tax Increment Financing ("TIF") is an economic development tool that the City may use to finance needed public improvements and enhance infrastructure within the downtown area; and

WHEREAS, the City desires to use TIF to encourage community revitalization and infrastructure improvements within the downtown area by leveraging private investment for certain types of development activities; and

WHEREAS, pursuant to the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended (hereafter referred to as the "Act"), prior to considering TIF agreements with property owners, the property must first be in an area properly designated as a Tax Increment Reinvestment Zone ("TIRZ"); and

WHEREAS, the City is considering the creation of a TIRZ (the "Proposed TIRZ") for the Downtown Redevelopment Plan area depicted in Exhibit A attached hereto, which area consists of five distinct districts; and

WHEREAS, prior to the creation of a TIRZ, the City Council must hold a public hearing on the creation of a proposed reinvestment zone and its benefits to the City and the property in the Proposed TIRZ; and

WHEREAS, pursuant to Section 311.003(b) of the Act, the governing body of the City must prepare a preliminary reinvestment zone financing plan and provide a copy of this plan to the governing body of each taxing unit that levies real property taxes in a proposed reinvestment zone (the "Taxing Units"); and

WHEREAS, pursuant to Section 311.003(e) of the Act, the governing body of the City must provide notice in writing to the governing body of each Taxing Unit, not later than the sixtieth (60th) day before the date of the public hearing to designate the TIRZ, that the City intends to establish the TIRZ, unless such notice is waived by the Taxing Units; and

WHEREAS, the City desires to notify the Taxing Units of the City's intent to create the Proposed TIRZ as provided in Section 311.003(e) of the Act; and

WHEREAS, pursuant to Section 311.003(f) of the Act, the City (i) requests the opportunity to make a formal presentation to the governing body of El Paso County (the "County") and the El Paso Independent School District (the "School District"), (ii) shall notify each Taxing Unit of the presentations to be made before the County and the School District, and (iii) shall make a formal presentation to the governing body of any other Taxing Unit requesting it to do so; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The City hereby expresses its intent to create a TIRZ for the purpose of financing public improvements in support of development in the Proposed TIRZ according to the Downtown Redevelopment Plan. The boundaries of this TIRZ are described in Exhibit A attached hereto and incorporated herein for all purposes.

SECTION 2. NOTICE TO TAXING UNITS OF CITY'S INTENT TO CREATE ZONE. The City Attorney or his designee shall cause a "Notice of Intention to Create a Tax Increment Reinvestment Zone for the Development of Public Improvements for the Downtown Redevelopment Plan" (the "Notice") to be delivered by certified mail or hand delivered to the governing body of each Taxing Unit. The notice shall contain at a minimum the following:

1. a description of the proposed boundaries of the proposed reinvestment zone;
2. the tentative plans for the development or redevelopment of the proposed reinvestment zone; and
3. an estimate of the general impact of the proposed reinvestment zone on property values and tax revenues.

The City Attorney or his designee is authorized to draft the Notice as necessary for distribution to the Taxing Units.

SECTION 3. PUBLICATION OF NOTICE. The City Manager is hereby authorized to set a date for the public hearing pursuant to Section 311.003(c) of the Act, and to publish a notice of the public hearing in the El

Paso Times, or another newspaper of general circulation, not later than the seventh day before the date of the public hearing.

SECTION 4. AUTHORIZING THE CITY MANAGER TO SCHEDULE A PUBLIC HEARING FOR THE CREATION OF THE REINVESTMENT ZONE. Not earlier than sixty (60) days after providing notice to the governing bodies of each Taxing Unit of the City's intent to create the Proposed TIRZ, the City Manager may schedule a public hearing to obtain community input concerning the City's intention to create the TIRZ.

SECTION 5. AUTHORIZING A REQUEST TO MAKE PRESENTATIONS BEFORE CERTAIN TAXING UNITS; DELEGATION OF AUTHORITY TO MAKE PRESENTATIONS AND GIVE NOTICE TO TAXING UNITS OF FORMAL PRESENTATIONS TO THE COUNTY AND SCHOOL DISTRICT. The City Manager or her designee is hereby authorized to make a formal request to the governing bodies of the County and the School District and to make a formal presentation to the governing body of each such taxing unit. The presentation shall include at a minimum the following:

1. a description of the proposed boundaries of the proposed reinvestment zone;
2. the tentative plans for the development or redevelopment of the proposed reinvestment zone; and
3. an estimate of the general impact of the proposed reinvestment zone on property values and tax revenues.

The City Manager or her designee is also hereby authorized to make a formal presentation to the governing bodies of any other Taxing Unit requesting her to do so. The City Manager or her designee is hereby authorized and directed to (i) make such formal presentations on its behalf to the respective governing bodies, and (ii) notify each Taxing Unit of each presentation to be made before the County and the School District.

SECTION 6. AUTHORIZING A REQUEST FOR THE APPOINTMENT OF A REPRESENTATIVE TO MEET WITH THE CITY TO DISCUSS THE PROJECT; DELEGATION OF AUTHORITY TO CALL MEETINGS. The City Manager or her designee is hereby authorized and directed to request each Taxing Unit to designate a representative from such unit to meet with the City staff to discuss the project plan and reinvestment zone financing plan for the Proposed TIRZ. The City Manager or her designee is hereby authorized and directed to call one or more meetings as may be needed, of the representatives of the Taxing Units.

SECTION 7. AUTHORIZING A REQUEST TO EACH TAXING UNIT TO WAIVE THE REQUIREMENT FOR 60 DAYS PRIOR WRITTEN NOTICE BEFORE THE PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ORDINANCE TO CREATE THE PROPOSED TIRZ. The City Manager or her designee is hereby authorized and directed to request the County and School District waive its right for 60 days prior written notice before the public hearing to consider the ordinance to create the Proposed TIRZ.

SECTION 8. AUTHORIZING A REQUEST TO EACH TAXING UNIT TO WAIVE ITS RIGHT TO APPOINT BOARD MEMBERS. The City Manager or her designee is hereby authorized and directed to as any Taxing Unit that is not participating by contributing its increment to waive their rights to appoint TIRZ Board Members.

SECTION 7. This Resolution shall take effect on the date of passage hereof.

Ms. Pat Aduato, Deputy City Manager, Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke, Steve Ortega, Lozano, Castro, Holguin, Byrd, and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney's Office, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Gus Haddad, City Plan Commission Chair
2. Mr. Richard Schecter
3. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **AMEND** the Resolution by **DELETING** the paragraph stating, "Whereas, the public improvements necessary for development in the Proposed TIRZ under the Downtown Redevelopment Plan may include street excavation, street installation, curbing, grading, drainage structures and channels, parking, sidewalks, sewer and water utilities, street lighting and other improvements;"

- AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., and Steve Ortega
 NAYS: Representative Castro
 ABSTAIN: Representative Holguin and O'Rourke (affidavit to recuse on file in City Clerk's Office)

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried to **APPROVE, AS AMENDED**, Option A, Redevelopment District Only.

- AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., and Steve Ortega
 NAYS: Representatives Castro and Holguin
 ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

3RD AND FINAL MOTION

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

- AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., and Steve Ortega
 NAYS: Representatives Castro and Holguin
 ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

15B. DEVELOPMENT SERVICES

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE** a Conditional B permit for Tierra Del Este 36 Subdivision with a finding of financial hardship.

Mayor Cook commented.

16. FINANCIAL SERVICES

Discussion and action on the request that the Purchasing Manager for Financial Services be authorized to exercise the City's option to extend the current Depository contract with Wells Fargo for two (2) additional years, pursuant to the provisions to an award approved by City Council on December 21, 2004.

Department: Financial Services

Option No.: One [of One]
Annual Estimated Amount: \$584,000.00
Account No.: N/A
Funding Source: Compensating Balances

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Carmen Arrieta-Candelaria, Comptroller, commented.

Mr. Richard Schecter, citizen, commented.

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

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

.....
17A. CITY MANAGER:

City Manager's report of current events and issues:

Briefing, recommendation, and direction relative to proposed amendments to Title 18, Sec. 501/02, concerning commercial building numbering, location, character height, and color, etc.

Deputy Police Chief Kenith Adcox presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Byrd and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Assistant Police Chief Paul Cross
3. Assistant Fire Chief Manuel Chavira

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **BRING RECOMMENDATION FORWARD** as an Ordinance amendment.

NOT PRESENT FOR THE VOTE: Representative Lozano

.....
Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **RECESS** the City Council Meeting at 1:25 p.m.

.....
Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **RECONVENE** the City Council Meeting at 1:36 p.m.

.....
Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 1:39 p.m.

.....
APPROVED AS TO CONTENT: