

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL ROBINSON, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES**  
**COUNCIL CHAMBERS**  
October 19, 2010  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Emma Acosta, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Carl Robinson at 8:35 a.m., Ann Morgan Lilly at 8:47 a.m., and Eddie Holguin, Jr. at 9:00 a.m. during Executive Session deliberations and Susannah Byrd at 9:16 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

- 1. ASSISTANCE LEAGUE OF EL PASO WEEK**
- 2. TEXAS ASSOCIATION OF BILINGUAL EDUCATION MONTH**
- 3. FREEDOM FROM BULLIES WEEK**
- 4. MAGGIE MORALES-MOODY DAY  
HUMANITIES TEXAS AWARD**

**RECOGNITION**

**CAROL BREY-CASIANO**

**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](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. Matt Carroll
  2. Mr. Steve Strumer
  3. Mr. Ray Bannon
- .....

Motion made by Representative O'Rourke, seconded by Representative Ortega, and 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:

NOT PRESENT FOR THE VOTE: Representatives Lilly, Byrd, Robinson, and Holguin

- 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

Discussion and action on the Executive Session items on the Agenda:

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to adjourn the Executive Session at 9:15 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd and Quintana

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**EX1.** Michael Graniczny, et. al. vs. City of El Paso, et. al.; Cause No. 09-CV-0156-PM.

Motion made by Mayor Pro Tempore Acosta, seconded Representative O'Rourke and carried that outside counsel for the City of El Paso be authorized to reject Plaintiffs' settlement demand in the lawsuit styled Michael Graniczny, et. al. vs. City of El Paso, et. al.; Cause No. 09-CV-0156-PM.

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

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**EX2.** Debra Powers, et. al. vs. City of El Paso, et. al.; Cause No. EP-09-CV-0236-DB.

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson and carried that outside counsel for the City of El Paso be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled Debra Powers, et. al. vs. City of El Paso, et. al.; Cause No. EP-09-CV-0236-DB.

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

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The City Council Meeting was **RECESSED** at 9:56 a.m. in order to convene the Special Mass Transit Board Meeting.

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The City Council Meeting was **RECONVENED** at 10:11 a.m.

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**CONSENT AGENDA**

Motion made by Representative Ortega, 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, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 12, 2010.

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

**NO ACTION** was taken on this item.

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign the Second Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and American Airlines, Inc., for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1", and "B-2".

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**3B.**

**\*RESOLUTION**

That the City Manager be authorized to sign the Second Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and US Airways, Inc. for the purpose of extending the term to August 31, 2011 and replacing Exhibits "A", "B-1", and "B-2".

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**3C.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso Health Facilities Development Corporation (the "Corporation") was duly created and organized by the City of El Paso, Texas pursuant to and in accordance with the provisions of the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended, for the purpose of providing, expanding, and improving health facilities that the Corporation determines are needed to improve the adequacy, cost, and accessibility of health care, research and education;

**WHEREAS**, the Articles of Incorporation of the Corporation, as amended, provide for appointment of members of the Board of Directors of the Corporation (the "Board") to be appointed by written resolution of the governing body of the City of El Paso, Texas;

**WHEREAS**, the City Council desires to appoint two new directors to the Board to fill two vacancies on the Board;

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

1. That the Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. That Michael Bray and Elizabeth Quinn are hereby appointed to the Board of Directors of the Corporation.
3. That the following current Board members are hereby confirmed: Susannah M. Byrd, Steve Ortega, Andrea Chew and Rick Suarez.

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**3D.**

**\*RESOLUTION**

**WHEREAS**, Plum City Lounge (hereinafter referred to as “Grantees”) are sponsoring an outdoor block party (hereinafter referred to as “Event”), on Sunday, October 31, 2010 to Monday, November 1, 2010; and

**WHEREAS**, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of the alley between Durango Street and Anthony Street and portions of City right-of-way along Durango Street from 2:00 p.m. Sunday, October 31, 2010, to 3:00 a.m. Monday, November 1, 2010, in conjunction with the proposed Event; and

**WHEREAS**, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

**WHEREAS**, the Grantees desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and the portion of City right-of-way along Durango Street from 7:00 p.m. Sunday, October 31, 2010 to 2:00 a.m. Monday, November 1, 2010.

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**3E.**

**\*RESOLUTION**

**WHEREAS**, O.P.E.P. (hereinafter referred to as “Grantees”) are sponsoring an outdoor block party (hereinafter referred to as “Event”), on Sunday, October 31, 2010 to Monday, November 1, 2010; and

**WHEREAS**, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on Ochoa Street between First Avenue and Paisano Drive from 4:00 p.m. Sunday, October 31, 2010, to 4:00 a.m. Monday, November 1, 2010, in conjunction with the proposed Event; and

**WHEREAS**, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

**WHEREAS**, the Grantees desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m. Sunday, October 31, 2010 to 2:00 a.m. Monday, November 1, 2010.

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**3F.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso is constructing a new Cielo Vista Branch library to serve the Cielo Vista neighborhood of the City; and

**WHEREAS**, the Library Director recommends that the Cielo Vista Branch Library be re-named the “José Cisneros Cielo Vista Branch Library,” in accordance with the Naming Policy for El Paso Public Library Facilities and Library Spaces, adopted by City Council on August 17, 2010 (“the Policy”) and the recommendations from the El Paso Public Library Foundation and the El Paso Public Library Association; and

**WHEREAS**, the Policy states that “Library facilities may be named for persons or organizations that have made a significant contribution to the Library or the City”; and

**WHEREAS**, José Cisneros was a man of humble beginnings who became one of El Paso’s most noted artists, inspiring our residents with his artistic depictions of history and heritage until his death in 2009; and

**WHEREAS**, José Cisneros held his first art exhibit in El Paso at the El Paso Public Library, created original woodcuts for the Main Library built in 1954, and continued a strong relationship with the El Paso Public Library throughout his life; and

**WHEREAS**, the City Council of the City of El Paso finds that it is appropriate to honor José Cisneros by naming the new Cielo Vista Branch Library for him;

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

That the new Cielo Vista Branch Library be officially named the José Cisneros Cielo Vista Branch Library in honor of his years of dedication and commitment to the El Paso Public Library and the community.

Mayor Cook and Representative Acosta commented.

Ms. Carol Brey-Casiano, Director of Libraries, commented.

Mr. Carl Penn, Naming Committee for the Cielo Vista Neighborhood, commented.

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

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**4A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Elvia G. Hernandez to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Emma Acosta, District 3.

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**4B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Richard D. Pineda to the Capital Improvements Advisory Committee by Representative Steve Ortega, District 7.

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**5. APPLICATIONS FOR TAX REFUNDS**

\*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. HSBC Mortgage in the amount of \$3,195.08 overpayment of 2009 taxes. (PID #C301-999-0240-4900).
- B. Industry Consulting Group, Inc. in the amount of \$17,369.84 overpayment of 2009 taxes. (PID #E361-999-0010-0120).
- C. Aurora Loan Services in the amount of \$5,969.54 overpayment of 2008 taxes. (PID #E746-000-0030-3500).
- D. Aurora Loan Services in the amount of \$5,236.83 overpayment of 2009 taxes. (PID #E746-000-0030-3500).

- E. BAC Tax Services Corporation in the amount of \$3,162.39 overpayment of 2009 taxes. (PID #U819-999-0010-1161).
- F. Wells Fargo Home Mortgage in the amount of \$2,880.09 overpayment of 2009 taxes. (PID #V897-999-0200-7500).
- G. Chase Home Finance, LLC in the amount of \$5,520.46 overpayment of 2009 taxes. (PID #V893-999-5700-0500)

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**6. BID**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2010-235 for the Colonia Verde Park Improvements, to Karlsruher, Inc. dba CSA Engineers & Constructors for a total estimated amount of \$116,700.

Department:	Engineering and Construction Management
Award to:	Karlsruher, Inc. dba CSA Engineers & Constructors
Base Bid:	\$116,700
Total Estimated Completion:	\$116,700
Funding Source:	Community Development Block Grant

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.

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, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, without further authorization by City Council.

This is a low bid, lump sum contract. The Engineering and Construction Management Department recommends award as indicated to the lowest responsible bidder. Engineering and Construction Management Department recommends the low bidder, American Contractors, be deemed non-responsible because the company did not have the financial capacity or the experience required in the bid documents.

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**7. BUDGET TRANSFERS**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week a budget transfer, as per City Council direction on October 5, 2010, to transfer \$250,000 from the City reserves to the Department of Public Health for enhanced animal services program.

Decrease	\$250,000	from:	Unreserved Fund Balance
Increase	\$187,085	to:	Non-uniform salaries and wages
Increase	\$ 62,915	to:	Operating

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**8A. – 8C. INTRODUCTIONS**

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

- 8A. An Ordinance changing the zoning of Lot 17, 18, and the East 10 feet of Lot 19, Block 17, Cotton Addition, City of El Paso, El Paso County, Texas from A-2 (Apartment) to S-D (Special Development). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8B. An Ordinance granting Special Permit No. ZON10-00055, to allow for a 100% parking reduction on the property described as Lot 17, 18, and the East 10 feet of Lot 19, Block 17, Cotton Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.070 parking reduction of the EL Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.
- 8C. An Ordinance changing the zoning of Parcel 1: A portion of Lots 1 – 12, Gaal Subdivision, City of El Paso, El Paso County, Texas from R-4/sp (Residential/special permit) to A-O (Apartment-Office), Parcel 2: Tract 12, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-F/sp (Ranch-Farm/special permit) to A-O (Apartment-Office), Parcel 3: A portion of Tract 15, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to A-O (Apartment-Office), and Parcel 4: Tract 14-A & 16-C, Block 43, Ysleta Grant Surveys, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment-Office); and repealing the special permits granted to Parcel 1 and Parcel 2. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2010, FOR ITEMS 8A – 8C**

9A.

**ORDINANCE 17430**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00058, TO ALLOW FOR A GROUND LEVEL HELISTOP ON THE PROPERTY DESCRIBED AS LOT 2, BLOCK 1, DEL SOL MEDICAL, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

AYES: Representatives Lilly, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

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

9B.

**ORDINANCE 17431**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 16065 WHICH CHANGED THE ZONING OF A PORTION OF LOT A, BLOCK 179, EASTWOOD HEIGHTS UNIT K, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND**

**WHICH IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Mr. Conrad Conde, representing the owner, commented.

Ms. Lupe Gonzalez, citizen, commented.

Motion duly made by Representative Quintana, seconded by Representative Byrd, that the Ordinance be **ADOPTED AS REVISED**, with three conditions. The ones which they will be releasing, are, 1) The maximum number of apartment units shall not exceed 150; 2) The old condition 3, will also be removed; any building or structure erected on the subject property shall be set back a minimum of 80 feet; and, 3) which is a condition added, that a parkway along Saigon Avenue abutting the property be landscaped and consist of high profile trees, basically, street trees. The landscape buffer shall be in addition to the landscape requirements of Title 18 and shall be irrigated by the property owners at all times.

Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, 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 AS REVISED**.

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**9C.**

**ORDINANCE 17432**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL OF LAND OUT OF THE ORIGINAL SURVEY FROM THE SOUTHERN PACIFIC RAILROAD RESERVE AND OUT OF BLOCKS 232, 233, 234, AND 235 AND THE CLOSED AND VACATED PORTIONS OF THE ALLEYS WITHIN SAID BLOCKS AND THE CLOSED AND VACATED PORTIONS OF FRANKLIN STREET, FLORENCE STREET, OCHOA STREET, AND VIRGINIA STREET OF CAMPBELL'S ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM M-1/H (LIGHT MANUFACTURING/HISTORIC) TO C-3/H (COMMERCIAL/HISTORIC). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, 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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**9D.**

**ORDINANCE 17433**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00062, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS LOTS 6 TO 8, BLOCK 98, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, 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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**9E.**

**ORDINANCE 17434**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 15891 WHICH CHANGED THE ZONING OF TRACT 2 BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSED CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance 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, Acosta, Robinson, 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 AS REVISED**.

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**10.**

**ORDINANCE 17435**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 010873, 012221, 012476, 012636, 014826, 015415, 015961, 016456, AND 017125 WHICH ESTABLISHED OPERATING PROCEDURES AND SET FEES FOR FOREIGN-TRADE ZONE NO. 68; TO**

**INCORPORATE UPDATES FOR CLARIFICATION PURPOSES AND TO ALLOW FOR AN AIR CARGO PERISHABLE GOODS PROJECT, AND TO ALLOW THE REVISIONS TO ZONE SCHEDULE NO. 1, RATES, RULES CHARGES AND REGULATIONS APPLYING AT FOREIGN TRADE ZONE NO. 68, EL PASO, TEXAS (THE TARIFF)**

Representatives Ortega and Acosta commented.

Mr. Jose Quinonez, Foreign Trade Zone Manager, commented.

Motion duly made by Representative 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, Acosta, Robinson, 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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**11A.**

**ORDINANCE 17436**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE LICENSE TO UNION VALET LLC FOR THE USE OF PORTIONS OF CITY RIGHT-OF-WAY ON SAN FRANCISCO STREET TO INSTALL A REMOVABLE VALET PARKING STAND AND TO USE THE TWO (2) EXISTING DEDICATED LOADING ZONES ON SAN FRANCISCO STREET FOR VEHICLE DROP OFF AND PICK UP ZONES FOR VALET PARKING WITHIN THE UNION PLAZA ENTERTAINMENT DISTRICT.**

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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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**11B.**

**ORDINANCE 17437**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO HOTEL DON QUIXOTE, LTD. DOING BUSINESS AS DOUBLETREE HOTEL EL PASO DOWNTOWN/CITY CENTER, PERMITTING THE ENCROACHMENT OF TWO (2) AWNINGS AND TWO (2) OUTDOOR PATIO CAFES ONTO PORTIONS OF CITY RIGHT-OF-WAY LOCATED AT 600 NORTH EL PASO STREET AND ALLOWING THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES AS A PERMISSIBLE ACTIVITY WITHIN THE OUTDOOR PATIO CAFE AREA.**

Mayor Cook and Representatives O'Rourke, Quintana, and Ortega commented.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

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

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

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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**11C.**

**ORDINANCE 17438**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 012393 WHICH GRANTED A SPECIAL PRIVILEGE TO THE EL PASO ELECTRIC COMPANY, OWNER, AND EL PASO PARKING INC., LESSEE, TO PERMIT OFF-STREET PARKING WITHIN A PORTION OF RIM ROAD RIGHT-OF-WAY, BY EXTENDING THE TERM FIVE YEARS, AND REVISING THE CONSIDERATION, NOTIFICATION AND INDEMNIFICATION PROVISIONS.**

Motion duly made by Representative Lilly, 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, Acosta, Robinson, 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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**12A. MAYOR AND COUNCIL**

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ELECT** Representative Rachel Quintana as alternate Mayor Pro Tempore pursuant to Section 4.3 of the Charter to serve in the event of the absence of the Mayor and Mayor Pro Tempore on October 26, 2010.

Representative Ortega commented.

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**12B. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **DIRECT** the City Manager City-initiate the right-of-way vacation for a portion of Frankfort Avenue, east of Partello Street.

Representative Byrd presented a PowerPoint presentation (on file in the City Clerk's office).

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**13.**

**RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso has determined that offering an incentive to airlines for new non-stop service from El Paso International Airport (Airport) may stimulate business and would therefore be of benefit to the City and its residents, and that a public purpose will be served by increasing service to and from the Airport;

**WHEREAS**, on November 20, 2007, the City of El Paso adopted an incentive whereby landing fees were temporarily waived for airlines that implemented new, non-stop service to destinations not previously served; and

**WHEREAS**, the City staff has recommended that the incentive approved by the El Paso City Council on November 20, 2007 be revised;

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

That the City of El Paso Air Service Development Incentive Program, attached hereto as Exhibit "A", be approved and made effective November 1, 2010; and

That the November 20, 2007 City Council resolution adopting an incentive to airlines is no longer in effect.

Monica Lombrana, Director of Aviation, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representative Ortega commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O'Rourke

NAYS: Representative Holguin

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**14.**

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

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

That the City Council authorizes the City Manager to enter into a first amendment to the agreement with Image Network, Inc., d/b/a Dover, Kohl & Partners, a Florida Corporation, for a project known as "A New Plan for El Paso – A rewrite of the City's Comprehensive Plan" (the Original Contract). The consultant was originally selected to perform three tasks in the process of updating the City's Comprehensive Plan. This amendment adds task two.

The first amendment is for work in an amount not to exceed One Million Two Hundred Thirty Six Thousand Nine Hundred Twenty Seven Dollars and 00/100 (\$1,236,927.00). The total contract price, including the first amendment cost is One Million Seven Hundred Ninety Three Thousand One Hundred Twenty and No/100 dollars (\$1,793,120.00).

Representative Quintana commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

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

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**15.**

**RESOLUTION**

**WHEREAS**, MVS International Corp. desires use of the City’s Union Depot Rotunda and adjacent areas, as well as Parking Lot #6 adjacent to the Union Depot Facility, for the purpose of staging performances by **FUERZA BRUTA**, hereinafter referred to as the “Event”; and

**WHEREAS**, the City Council finds that participation by the City in the Event will provide great benefits to the City and citizens of El Paso and as such, constitutes an important public purpose of benefit to the City and citizens of El Paso.

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

That the City Manager be authorized to sign a License Agreement between the **CITY OF EL PASO** and **MVS INTERNATIONAL CORP.**, for the use of Union Depot and an adjacent parking lot for performances by Fuerza Bruta.

Mayor Cook and Representatives Ortega and Robinson commented.

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

Motion made by Representative Ortega, seconded by Representative O’Rourke, and carried to **APPROVE AS REVISED** the Resolution, with the stated public purpose, and to **DIRECT** the City manager to direct funds for the rental of the pavilion, the insurance policy, and the parking lot.

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

NAYS: Representative Robinson

NOT PRESENT FOR THE VOTE: Representative Quintana

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the meeting at 10:52 a.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk