

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 21, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 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, and Steve Ortega. Late arrivals: Beto O'Rourke at 8:42 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 8:47 a.m. during Executive Session deliberations. Absent: Ann Morgan Lilly requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. PHARMACY WEEK**
- 2. ARBOR DAY-TEXAS GOLD LEAF AWARD**
- 3. HALLOWEEN HAPPINESS**

RECOGNITIONS

- 1. AIR DEFENSE ARTILLERY SCHOOL**
- 2. THE MAYOR'S 100 TEENS FOR 2008-2009**

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. Ms. Lisa Turner
2. Mr. Jerry Thiedt
3. Mr. John Anderson
4. Mr. Arthur Ward
5. Mr. Arturo Bejar

Mayor Cook and Representative O'Rourke commented.

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

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Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:34 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

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

NOT PRESENT FOR THE VOTE: Representatives Holguin and O'Rourke

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 9:13 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana, and Holguin

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EX1. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

NO ACTION was taken on the item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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 Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

ABSENT: Representative Lilly

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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 14, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and carried to **EXCUSE** Representative Ann Morgan Lilly from the Regular Council Meeting of October 21, 2008.

3A.

***RESOLUTION**

That the City Manager is hereby authorized to sign a Temporary Land Use Lease by and between the City of El Paso ("Lessor") and DTG Operations, Inc. d/b/a Dollar Rent A Car d/b/a Thrifty Car Rental ("Lessee") for the following described property:

A portion of Tract 4A26, Block 2, Ascarate Grant, and a portion of Block 1D, El Paso International Airport Tracts, Unit 5, City of El Paso, El Paso County, Texas, containing approximately 16,825 square feet of land.

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3B.

***RESOLUTION**

WHEREAS, Jack Morton Worldwide (hereinafter referred to as "Grantee") is sponsoring the outdoor concert "Mi Circulo, Mi Musica" (hereinafter referred to as "Event"), from Saturday, November 1, 2008, to Sunday, November 2, 2008; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for a street closure for more than twenty-four hours to temporarily close portions of public rights-of-way of Oregon Street between Franklin Street and Texas Avenue, Mills Street between Sheldon Court and Mesa Street, and Mesa Street southbound lanes from 8:00 a.m. October 30, 2008, to 10:00 a.m. November 2, 2008; and the closure of the northbound lanes of Mesa Street between Franklin Street and Texas Avenue and Mills Street between Mesa Street and Stanton Street from 5:00 p.m. Friday, October 31, 2008, to 10:00 a.m. Sunday, November 2, 2008, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor concert in the closed portions Oregon Street between Franklin Street and Texas Avenue, Mills Street between Sheldon Court and Stanton Street, and Mesa Street between Franklin Street and Texas Avenue from 12:00 p.m. Saturday, November 1, 2008, to 2:00 a.m. Sunday, November 2, 2008.

Representatives O'Rourke, Castro, and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Mathew McElroy, Deputy Director of Planning
3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Mike Breitinger, El Paso Central Business Association, commented.
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3C.

***RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the construction of Isela Rubalcaba Drive from the existing terminus to the proposed connection with Spur 276.

3D.

***RESOLUTION**

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the improvements of 15 intersections citywide, including, but not limited to geometric improvements, pedestrian improvements and traffic markings.

Representative Quintana commented.

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

3E.

***RESOLUTION**

That there is good cause to believe that there has been a violation of the prevailing wage rates under the Municipal Service Center East contract between the City and Dantex Construction Co. and that the City Engineer be authorized to withhold payment to the contractor as required under Chapter 2258 of the Texas Government Code.

Representatives Byrd, Quintana, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Rick Talamo, Capital Projects Manager
- 3. Ms. Lupe Cuellar, Assistant City Attorney
- 4. Ms. Bertha Ontiveros, Assistant City Attorney

3F.

***RESOLUTION**

That the City Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas and the El Paso County Water Control and Improvement District No. 4 whereby the District may purchase vehicles under Contract No. 2005-262 previously awarded by the City of El Paso to Casa Ford, Inc.

3G.

***RESOLUTION**

That inconformity with the approved FY09 City budget and FY2008-2009 El Paso Water Utilities/Public Service Board annual budget, the Classification and Compensation Plan shall be amended to create the job specifications for positions for which funding was previously allocated and approved by the City Council in the

FY09 budget and the El Paso Water Utilities/Public Service Board FY2008-2009 annual budget, as set forth on the attachment posted with this agenda, as recommended by the Civil Service Commission.

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class Capital Improvements Program Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13050. The Grade is EX 3. This position will be in the Engineering Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$84,820.64 - \$139,954.05

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Deputy Director of General Services is hereby created as specified in the duties and responsibilities attached hereto. The Code is 18015. The Grade is EX 3. This position will be in the General Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$84,820.64 - \$139,954.05

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Environmental Field Technician is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13835. The Grade is GS 48. This position will be in the Environmental Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$25,804.87 - \$39,759.11

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Environmental Scientist is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13430. The Grade is PM 126. This position will be in the Environmental Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$41,531.29 - \$61,424.77

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Environmental Senior Field Technician is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13825. The Grade is GS 52. This position will be in the Environmental Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$30,712.53 - \$49,073.24

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Environmental Senior Scientist is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13415. The Grade is PM 130. This position will be in the Environmental Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$49,471.91 - \$75,692.02

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Environmental Staff Scientist is hereby created as specified in the duties and responsibilities attached hereto. The Code is 13435. The Grade is PM 124. This position will be in the Environmental Services Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$38,454.89 - \$54,913.59

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Food Safety Specialist is hereby created as specified in the duties and responsibilities attached hereto. The Code is 22400. The Grade is PM 122. This position will be in the Public Health Department and funding was budgeted, approved by the City Council and is available. Salary Range: \$34,879.72 - \$49,808.24

That the Classification and Compensation Plan shall be amended as recommended by the Civil Service Commission. The class of Utility Laboratory Sampler is hereby created as specified in the duties and responsibilities attached hereto. The Code is 20555. The Grade is GS 47. This position will be in the El Paso Water Utilities and funding was budgeted, approved by the El Paso Water Utilities/Public Service Board and is available. Salary Range: \$25,110.33 - \$37,256.06

Mayor Cook and Representatives Quintana and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball Thomas, Human Resource Director, commented.

Mr. Jerry Thiedt, citizen, commented.

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3H.

RESOLUTION

That the Mayor be authorized to sign an Interlocal Government Agreement between the City of El Paso and the County of El Paso/District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney’s Information Management System and program from September 1, 2008 through August 31, 2009, in an amount not to exceed \$208,500.00

Mayor Cook and Representatives Quintana and Ortega commented.

Assistant Police Chief Tom Whitten commented.

Ms. Lisa Turner, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

NAYS: None

ABSTAIN: Representative Quintana

ABSENT: Representative Lilly

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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 & 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** Louis Mona to the Information Technology Advisory Board by Representative Steve Ortega, District 7.

5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** James H. Tolbert to the Parks and Recreation Advisory Board by Representative Susie Byrd, District 2.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Trinidad Munoz to the Parks and Recreation Advisory Board, by Representative Emma Acosta, District 3.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Glenn R. Walker, Jr. to the El Paso Mountain Committee by Representative Ann Morgan Lilly, District 1.

6. APPLICATIONS FOR TAX REFUND

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**:

- A. Washington Mutual in the amount of \$6,631.03 overpayment of 2006 taxes. (PID #C301-999-0120-5800).
- B. Stewart Title in the amount of \$6,947.62 overpayment of 2007 taxes. (PID #P324-999-0220-4100).
- C. First American Real Estate Service in the amount of \$4,529.91 overpayment of 2007 taxes. (PID #P358-999-0020-1500).
- D. David Ott in the amount of \$2,730.71 overpayment of 2007 taxes. (PID #R330-999-0230-1900).
- E. Lonestar Title Company of El Paso in the amount of \$6,867.93 overpayment of 2007 taxes. (PID #R577-999-0060-0800).
- F. First American Real Estate Tax Service in the amount of \$5,699.99 overpayment of 2006 taxes. (PID #X578-000-3430-1300).

7. BID

*Motion made, seconded, and unanimously carried to **AWARD, AS AMENDED**, Solicitation No. 2009-021 (Light Tower Rental for Airport) to Century Machinery Company, Inc. for a total estimated award of \$137,500.

Department: Airport
Award to: Century Machinery Company, Inc.
El Paso, TX
Items: All

Option: **NO RENEWAL**
 Annual Estimated Amount: \$45,833.33
 Account No.: 62620027 – 508027 – 41080 - PAP0040
 Funding Source: Parking Lot Improvements; Construction (CWIP);
 Extension of LT Parking
 Total Estimated Award: \$137,500

This is a **TWENTY-FOUR** 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 Airport recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Cook and Representatives Quintana and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Pat Abeln, Director of Aviation

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8A. – 8D. INTRODUCTIONS

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

- 8A.** An Ordinance vacating a portion of a 16-foot alley within Block 80, Alexander Addition, City of El Paso, El Paso County, Texas.
- 8B.** An Ordinance amending Title 2 (Administration and Personnel) to add Chapter 2.80 to the El Paso City Code to establish the Capital Improvements Advisory Committee for the purpose of providing advice on issues related to impact fees and to provide for committee membership; duties, terms of office; rules, and administration.

PUBLIC HEARING WILL BE HELD ON OCTOBER 28, 2008, FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of a portion of Tract 11C2, Section 34, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to C-4 (Commercial), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8D.** An Ordinance changing the zoning of Tract 1B of F.M. Collins Survey No. 209 and Tract 6B of H.F. Fisher Survey No. 293, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment-Office), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 11, 2008, FOR ITEMS 8C – 8D

9. FINANCIAL SERVICES

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 10:51 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representative Quintana

2ND MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **ADJOURN** the Executive Session at 11:05 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representative Quintana

3RD AND FINAL MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order, **AS REVISED**, to be effective November 15, 2008, the expiration date of Contract 2006-013, for **90 DAYS** to McNeilus Truck & Manufacturing for parts and warranty service for McNeilus Automatic Side Load Refuse Trucks, as necessary to preserve the public health or safety, for a total estimated semi-annual amount of \$375,000 with the option to extend for an additional **90-DAY PERIOD** with Council approval, pending an internal reorganization and implementation of a parts procurement procedure.

Additionally, request authorization for City staff to negotiate, City Attorney's Office to review, and the City Manger be authorized to execute any related contract documents and agreements necessary to effectuate this contract.

Department: General Services
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services, Fleet Services Division
Total Award: \$375,000
Reference No.:2009-044

AYES: Representatives Byrd, Holguin, Ortega, and O'Rourke

NAYS: Representatives Acosta and Castro

ABSTAIN: Representative Quintana

ABSENT: Representative Lilly

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Chief Financial Office of Financial Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Mr. Edmundo Calderon, Internal Auditor

The following members of the public commented:

- 1. Mr. Jim Martinez, representing G.O.T. Supply
- 2. Mr. Albert Torres, G.O.T. Supply
- 3. Mr. Carlos Aguilar

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ITEMS TAKEN TOGETHER:

10A.

ORDINANCE 17014

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

10B. PUBLIC HEARING – DEVELOPMENT SERVICES

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 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 the proposed Medical Center of the Americas as a study area. Further, any City of El Paso use of eminent domain will be brought before the City Council of the City of El Paso for approval. In cases where the City Council of the City of El Paso has approved the use of eminent domain, adequate compensation, which includes market value, damages, and relocation costs, will be used. Applicant: Representative Emma Acosta and the City of El Paso.

11. MAYOR AND COUNCIL

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.

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

Mayor Cook and Representatives Acosta, Byrd, Castro, Holguin, Quintana, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 4. Ms. Nancy Melendez-Forbes, Grants Services Coordinator

Ms. Emma Schwartz, Executive Director of the Medical Center of Americas Foundation, commented.

The following members of the public commented:

1. Ms. Carol Trujillo, does not want to be included in the plan
2. Mr. Javier Vasquez, wants to be included in the plan
3. Ms. Apolonia Cedillos, wants to be included in the plan
4. Mr. Raymundo Contreras, does not want to be included in the plan (property is outside of the plan)
5. Mr. Ivan Rojas, does not want to be included in the plan (property is outside of the plan)
6. Ms. Vivian Rojas, representing Mr. Jesus Arredondo and her parents, who do not want to be included in the plan
7. Mr. Antonio Herrera Flores, does not want to be included in the plan (property is outside of the plan)
8. Jesus Cisneros, does not want to be included in the plan (property is outside of the plan)
9. Mr. Rito Haros, does not want to be included in the plan (property is outside of the plan)
10. Mr. Roberto Duenas, does not want to be included in the plan (property is outside of the plan)
11. Ms. Soledad Sanchez, does not want to be included in the plan (property is outside of the plan)
12. Mr. Rogelio Betancourt, does not want to be included in the plan (property is outside of the plan)
13. Ms. Veronica Escobar, County Commissioner
14. Mr. Jim Valenti, Chief Executive Officer of Thomason
15. Ms. Lisa Turner
16. Mr. Pete Franusic
17. Mr. Ken Schillinger
18. Ms. Pat Tiscareño
19. Mr. Fred Borrego, Interim President of the San Juan Neighborhood Association

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers after the sign-up period.

2ND MOTION

Motion duly made by Representative Acosta, seconded by Representative Ortega, that the Ordinance be **ADOPTED, WITH THE FOLLOWING STATEMENT, THAT IF THESE PEOPLE CHOOSE TO SELL, THAT THEY NEGOTIATE THE TERMS AND CONDITIONS OF THE SALE OF THEIR PROPERTIES AS READ INTO THE RECORD BY REPRESENTATIVE ACOSTA.** 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 Byrd, Acosta, Quintana, Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

ABSENT: Representative Lilly

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 THE FOLLOWING STATEMENT, THAT IF THESE PEOPLE CHOOSE TO SELL, THAT THEY NEGOTIATE THE TERMS AND CONDITIONS OF THE SALE OF THEIR PROPERTIES AS READ INTO THE RECORD BY REPRESENTATIVE ACOSTA.**

3RD MOTION

Motion made by Representative Acosta, seconded by Representative Ortega, 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 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 the proposed Medical Center of the Americas as a study area. Further, any City of El Paso use of eminent domain will be brought before the City Council of the City of El Paso for approval. In cases where the City Council of the City of El Paso has approved the use of eminent domain, adequate compensation, which includes market value, damages, and relocation costs, will be used.

4TH AND FINAL MOTION

Motion made by Representative Acosta, seconded by Representative Ortega, and carried to **DIRECT** the staff mobility team to coordinate among the various entities, including the County, the Metropolitan Planning Organization (MPO), the Medical Center of the Americas (MCA), Union Pacific, and others to develop a concept for noise mitigation options and other options and make every effort to submit a grant application by the deadline.

- AYES: Representatives Byrd, Acosta, Ortega, and O'Rourke
- NAYS: Representatives Castro and Holguin
- ABSTAIN: Representative Quintana
- ABSENT: Representative Lilly

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12. ENGINEERING

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried 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.

- AYES: Representatives Byrd, Acosta, Castro, Quintana, Ortega, and O'Rourke
- NAYS: Representative Holguin
- ABSENT: Representative Lilly

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Holguin, Castro, and Quintana commented.

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

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Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2.10 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk