

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 31, 2006
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Jose Alejandro Lozano at 8:55 a.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **CELEBRATE THE LIFE OF LUIS JIMENEZ DAY**
2. **NATIONAL ALZHEIMER'S DISEASE MONTH**
3. **NATIONAL PHYSICAL THERAPY MONTH**
4. **OPTIMIST INTERNATIONAL YOUTH APPRECIATION WEEK**

RECOGNITIONS

AMIGO MAN 2006

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. Walt Phillips
2. Mr. Jose Ramirez
3. Mr. Jose Mijares
4. Ms. Veronica Carbajal
5. Ms. Carmen Rodriguez
6. Ms. Lisa Turner
7. Ms. Rosa Cintron

- 8. Mr. Richard Schecter
- 9. Mr. Ray Gilbert
- 10. Mr. Richard Dayoub

Representatives Lilly, Lozano, Steve Ortega, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, Development Services, commented.

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 Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:36 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 items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representative Lozano

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Lozano

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EX1. Claim of James J. Crook, Our File No. 06-C-169/Street. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of James J. Crook, Our File No. 06-C-169/Street.

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

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EX2. Claim of C.F. Jordan, Our File No. 06-C-173/ENG. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City Attorney's Office be authorized settlement authority to **NEGOTIATE SETTLEMENT AGREEMENT** and sign all documents to resolve the claim entitled C. F. Jordan regarding the Montwood Street and Drainage Improvement; Our File No. 06-C-173/ENG.

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

Claim of John Taylor, Our File No. 06-C-188/Police. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of John Taylor, Our File No. 06-C-188/Police.

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

EX3. Discussion and action on the proposed sale of approximately 16.5 acres of land, more or less, being a portion of Lot 3, Block 1, Castner Range Subdivision #1, El Paso, El Paso County, Texas. (551.072).

Mayor Cook and Representative Castro commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Mr. Gonzalo Cedillos, Financial Services
3. Ms. Theresa Cullen-Garney, Deputy City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Ray Gilbert
2. Mr. Richard Schecter

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried that the City of El Paso **PROCEED** with the sale of approximately 16.5 acres of land, more or less, being a portion of Lot 3, Block 1, Castner Range Subdivision #1, El Paso, El Paso County, Texas, and that a condition of the sale be the lease back to the City of El Paso of the present site, which is used as a community garden, so that the site can be continued to be used for a Parks and Recreation program as a community garden for a 10-year term, plus a five-year option to extend the lease.

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

CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, 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, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of October 24, 2006, and the Special City Council Meetings of October 23, 2006 (Parades and Public Assemblies), and of October 23, 2006 (Agenda Review).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the above item.

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3A.

***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 Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Thomas P. Bray and Linda M. Micu ("Assignor") and Haysland, Inc., d/b/a GoldCross Properties ("Assignee") for the following described property:

A portion of Lot 7 and 8, Block 5, El Paso International Airport Tracts, Replat "A", City of El Paso, El Paso County, Texas, municipally known and numbered as 6500 Boeing Dr., El Paso, Texas ("Premises").

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3B.

***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 Manager be authorized to sign a Second Memorandum of Understanding to further amend the 2002-2005 Articles of Agreement between the City of El Paso and Local 51, International Association Of Firefighters, as heretofore amended by a Memorandum of Understanding between them dated August 30, 2005, by adopting Fire Pay Schedules A-10a and A-10b, effective November 12, 2006, and Fire Pay Schedules A-11a and A-11b, effective August 5, 2007, and extending the contract period through September 30, 2007, with a provision that the amended contract shall be extended from year to year until replaced by a successor agreement.

Representative Steve Ortega commented.

Mr. Alan Shubert, Development Services, commented.

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3C.

***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 Manager be authorized to sign an Interlocal Agreement between the City of El Paso and the Texas Tech University Health Sciences Center to specify the responsibility for street and drainage improvements along Concepcion Street between Alameda Avenue and Alberta Way and further authorizing the City Manager to execute any other documents necessary to accomplish the intent of the Agreement.

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3D.

***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 expend additional available funding in the amount of \$59,777.60 to increase the estimated unit quantities for Contract Number 2005-119, Central Business District (CBD) Phase III Project. This is a unit price contract which allows the City to increase or decrease the estimated unit quantities, provided that the unit prices do not increase. The unit prices are not increasing.

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3E.

***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 of El Paso, after conducting an investigation, has determined that there is good cause to believe that a violation of Texas Government Code Section 2258 has occurred in regard to the payment of individuals by L.D. Kemp Excavation Inc. for the City project known as "Clint Landfill Ph I cells 3-6 & Scale House, Contract No. 2005-281 and that the City Engineer be authorized to withhold payment to the contractor for the assessment of penalties for the violation as required under Chapter 2258 of the Texas Government Code.

Mr. Rick Conner, City Engineer, commented.

Mr. Ray Gilbert, citizen, commented.

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3F.

***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 Manager be authorized to sign a Contract between the City of El Paso and Cesar Salmon to employ Cesar Salmon as a Safety and Security Coordinator for the El Paso Zoo at a biweekly rate of \$2,040.00. The term of the contract shall be for the period of November 1, 2006, through October 31, 2007.

Representatives Castro and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Dr. Lea Hutchinson, Zoo Director, commented.

Mr. Richard Schecter, citizen, commented.

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3G.

***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 Manager is hereby authorized to sign an interlocal agreement by and between the City of El Paso (the "City") and the El Paso Central Appraisal District (the "CAD") whereby the City shall cause the CAD's surplus and abandoned vehicles to be auctioned.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Servando Hernandez to the Zoning Board of Adjustment by Representative Ann Morgan Lilly, District 1.

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Roman Bustillos to the City Plan Commission by Representative Presi Ortega, Jr., District 5.

5A. BOARD APPOINTMENT

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

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the item regarding the appointment of Maria Trunk to the Parks and Recreation Advisory Board by Representative Ann Morgan Lilly, District 1.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Fred Jackson to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Presi Ortega, Jr., District 5.

6. APPLICATIONS FOR TAX REFUND

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

- A. Javier Alberto Vazquez Mendez in the amount of \$3,258.19 overpayment of 2005 taxes. (PID #Q550-999-0120-0100).
- B. First American Real Estate Tax Services in the amount of \$4,904.45 overpayment of 2004 taxes. (PID # R246-999-0100-0200).
- C. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,643.11 overpayment of 2005 taxes. (PID #V894-999-0070-4700)
- D. First American in the amount of \$15,847.39 overpayment of 2005 taxes. (PID #X578-000-3420-3000)

7. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2006-169, Armored Car Services for Various Departments, Tax Office, and Municipal Court

Award to:	Miracle Delivery El Paso, Texas
Item(s):	1, 2, 3, and 4
Option:	One year
Annual Estimated Amount:	\$19,025.28
Account No.:	Various
Funding Source:	Various
Total Estimated Award:	\$57,075.84

This is a thirty-six (36) month contract.

The Departments of Financial Services, Tax Office, and Municipal Court recommend award to the bidder offering the best value bid.

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8A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2006-183, Zoo Animal Food-Frozen Products for the Zoo Department.

Award to: Vendor 1 Atlantic Pacific Products, Inc.
North Kingstown, RI

Item(s): Group I (Frozen Fish), #1 to #6

Annual Estimated Amount: \$35,021.00

Award to: Vendor 2 The Animal Works dba The Big Cheese Rodent Factory
Fort Worth, TX

Item(s): Group II (Frozen Whole Prey), #1 to #8

Annual Estimated Amount: \$7,958.75

Total Annual Est. Amount: \$42,979.75

Account No.: 52152001 – 503110 – 15445 - 52000

Funding Source: Zoo Operations-Zoo Gate Revenue/Administration-Animal Food and Supplies

Total Estimated Award: \$128,939.25

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

Group III (Frozen Horsemeat/Horsemeat Products) and Group IV (Shipping Costs for Horsemeat) will not be awarded as indicated on the attached memo.

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

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8B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2006-194, Park Project No. 6B, for Parks and Recreation Department.

Award to: Matyear Construction Co., Inc.

Location: 10 Parks

Base Bid: \$273,245.00

Alternate #1 \$60,799.00

Alternate #2 \$30,517.00

Alternate #3 \$18,287.00

Alternate #4 \$13,000.00

Alternate #5 \$13,864.00

Account No.: 14101001-PQLPA186B-60183-508027

Funding Source: 2000 Quality of Life Bonds

Total Estimated Award: \$409,712.00

It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

The Departments of Financial Services and Parks and Recreation recommend that Blair Hall Company Inc., the low bidder, be allowed to withdraw their bid without forfeiture of their bid security due to an inclusion of a clerical mistake of fact in their proposal.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design but which do not increase the scope of the contract as awarded in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract. The Financial Services and Parks and Recreation Departments recommend award as indicated to the lowest responsive, responsible bidder.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Ray Gilbert, citizen, commented.

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9. PERSPECTIVA + 3D/I

*Motion made, seconded, and unanimously carried 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.

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

Ms. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner and Mr. Richard Schecter, citizens, commented.

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ADDITION TO THE CONSENT AGENDA

1.

***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 Mayor be authorized to sign the Sub-recipient Agreement including the Election Regarding State Use of Homeland Security Funding for Statewide Projects (Interlocal Agreement) between the City of El Paso and the State of Texas Governor’s Division of Emergency Management (GDEM). The forms allow the City to accept grant funding through the State Homeland Security Grant Program.

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ADDITION TO THE CONSENT AGENDA

2. RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Eileen Karlsruher to the Parks and Recreation Advisory Board by Mayor John Cook.

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ADDITION TO THE CONSENT AGENDA

3. APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Thomas Daniel Carter, Jr. to the Parks and Recreation Advisory Board by Mayor John Cook.

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1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT** of the agenda:

12C. MAYOR AND COUNCIL

Discussion and action to clarify the action/s, if any, taken in response to the position as set forth in electronic messages from Chief Wiles, endorsed by City Manager Wilson, as would relate to the “off duty employment” opportunities that are afforded to uniformed officers, and other employees covered under the Civil Service, and what effects, if any, would be apparent regarding not only the rights of the individual employees, but also the impact/s on the safety and welfare of the public in general.

Mayor Cook and Representatives Lozano and Castro commented.

Ms. Joyce Wilson, City Manager, and Police Chief Richard Wiles commented.

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Carl Robinson to speak after the sign-up period.

The following members of the public commented:

1. Mr. David Garcia
2. Mr. Ascencion Peña
3. Ms. Lisa Turner
4. Mr. Scott Howes
5. Mr. Jose Amezcua
6. Mr. Jaime Martinez
7. Mr. Carl Robinson

NO ACTION WAS TAKEN on the above item.

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1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT** of the agenda:

14. ECONOMIC DEVELOPMENT

That the City Manager be authorized to sign a Chapter 380 Economic Development Agreement between the City of El Paso (“City”) and El Paso Outlet Center LLC, a Delaware Limited Liability Corporation, (“Applicant”) to provide for a grant from the City to the Applicant in an amount not to exceed \$1,250,000.00 in connection with the construction of the Sun Valley Factory Shoppes (“Outlet Center”) and the voluntary annexation of the property upon which the Outlet Center will be located and other obligations contained therein.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Javier Gadney, Economic Development
3. Ms. Sylvia Firth, Senior Staff Attorney, gave legal advice.
4. Ms. Lucille Ponticelli, Economic Development

2ND MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Ray Gilbert to speak after the sign-up period.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner
- 3. Mr. Ray Gilbert

3RD AND FINAL MOTION

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

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

NAYS: Representatives Byrd, Castro, Holguin, and O'Rourke

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11J. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

Discussion and action regarding Council granting an exception, under the provisions of City Code Section 20.08.090(B) 7, to the prohibition of the sale of alcoholic beverages within 300 feet of a church, public or private school, or day care center to allow the sale of alcoholic beverages by Dale W. McNutt at Club Helios located at 416 E. Rio Grande.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. Larry Nichols, Building Permits and Inspection
- 4. Mr. Tom McGuire, Building Permits and Inspection

The following members of the public commented:

- 1. Ms. Richer Gilbert
- 2. Mr. Rick Cobos, Principal of St. Clements School
- 3. Mr. Robert Gilbert
- 4. Mr. Sam Govea, Principal of Cathedral High School
- 5. Ms. Rosa Deleon
- 6. Ms. Lisa Turner

1ST MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** to extend the time to speak by two additional minutes.

2ND MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Lisa Turner to speak after the sign-up period.

3RD MOTION

Motion made by Representative Lozano, seconded by Representative Holguin to **POSTPONE** the item for one week. The motion **FAILED**.

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

4TH AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and carried to **DENY** granting the above exception.

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

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Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **RECESS** the City Council meeting until 12:30 p.m.

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council meeting at 12:38 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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1ST MOTION

*Motion made, seconded, and unanimously carried to hold the following Public Hearing at 12:30 p.m.

11B. DEVELOPMENT SERVICES

ORDINANCE 16487

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

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

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

Ms. Joyce Wilson, City Manager, commented and Ms. Sylvia Firth, Senior Staff Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Justo Rivera
2. Ms. Estela Reyes
3. Mr. John Estrada, La Fe Clinic

4. Mr. Carlos Gallinar, La Fe Clinic
5. Ms. Carmen Zamora
6. Mr. Marvin Rosenbaum
7. Mr. L. Gus Haddad, City Plan Commission Chairperson
8. Mr. Bill Blaziek, General Manager of El Paso Convention and Visitors Bureau
9. Ms. Sandee Jaeger
10. Ms. Nancy Green
11. Mr. Steven Strumer
12. Ms. Lisa Turner
13. Ms. Aurelia Roque
14. Mr. Martin Beltran
15. Ms. Rosa Guzman
16. Ms. Carolina de La Torre
17. Ms. Myrna Deckert, Paso del Norte Group
18. Mr. Pat Goff
19. Mr. Tom Niland
20. General (Retired) James Maloney, Paso del Norte Group
21. Mr. Richard Dayoub, Greater El Paso Chamber of Commerce
22. Mr. Ray Mancera
23. Mr. Jessie Alvarez
24. Mr. Richard Schecter
25. Mr. Michael Patino
26. Mr. Won-Fae Kim, Korean Chamber of Commerce
27. Mr. Mr. Andres Muro
28. Ms. Elisa Velasquez
29. Mr. Juan Jose Delgado
30. Ms. Katie Updike
31. Mr. John Cordova
32. Mr. Frank Lee
33. Mr. Jim Cardwell, Petro Shopping Centers
34. Ms. Rebecca Freisenhahn
35. Mr. Carlos Espinoza, M.E.C.H.A. (Movimiento Estudiantil Chicano de Aztlán)
36. Mr. Troy Hicks
37. Mr. Fermin Acosta, Public Service Board Member
38. Ms. Esther Perez
39. Mr. Emiliano Rodriguez
40. Ms. Veronica Escobar, County Commissioner Elect
41. Mr. Ken Lucero
42. Ms. Nancy Daniels
43. Mr. George Saucedo
44. Mr. Rafael Garcia
45. Mr. Pablo Salcido, El Paso Housing Authority
46. Ms. Patty Chagra, Greater El Paso Association of Realtors
47. Mr. Han Park
48. Mr. Trini Acevedo
49. Mr. Jerry Rosenbaum, Land Grab Opponents
50. Ms. Vivian Ortiz
51. Ms. Edie Zuvanich
52. Ms. Elvia Hernandez, former City Representative
53. Mr. Fred Morales
54. Mr. Sacejewa Lewis-Clark

2ND MOTION

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Marvin Rosenbaum an additional minute to speak.

3RD MOTION

Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Bill Blaziek an additional minute to speak.

4TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Nancy Green an additional minute to speak.

5TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Lisa Turner an additional thirty seconds to speak.

6TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Martin Beltran an additional minute to speak.

7TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Pat Goff an additional minute to speak.

8TH MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow General (Retired) James Maloney an additional minute to speak.

9TH MOTION

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to grant three minutes for each speaker and not to allow any extensions in time.

10TH MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **SUSPEND THE RULES OF ORDER** and allow Mr. Richard Schechter an additional minute to speak. The motion **FAILED**.

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

11TH MOTION

Motion made by Representative Holguin, seconded by Representative Lozano, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Jerry Rosenbaum an additional minute to speak.

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

12TH MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Sacejewa Lewis-Clark to speak after the sign-up period.

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

13TH AND FINAL MOTION

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

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

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10A. – 10G. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Holguin, 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:

- A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.08.090, Section 501.2 (Premises Identification), of the El Paso City Code to amend the provisions relating to definitions, style, and placement of building numbering characters on commercial properties and enforcement of the provisions of the ordinance, the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso City Code
- B. An Ordinance vacating a 20-foot wide alley, located in Block B, Government Hill Addition, City of El Paso, El Paso County, Texas. Subject Property: South of Trowbridge Drive and East of El Paso Drive. Applicant: Catholic Diocese of El Paso and Leonor R. Marquez. AV06003.
- C. An Ordinance vacating Texaco Road right of way lying between Tract 2 and Tracts 3B, 3C, 3D, 3D1, 3D2, 3E, Block 3, Ascarate Grant, City of El Paso, El Paso County, Texas. Subject Property: South of Trowbridge Drive and East of El Paso Drive. Applicant: Western Refining Company, L.P. SV06004
- D. An Ordinance vacating all of the 20-foot wide alley within Block 54, Kern Place Addition, City of El Paso, El Paso County, Texas. Subject Property: West of Stanton between Althea Park and Kern. Applicant: El Paso Independent School District. AV06005.
- E. An Ordinance repealing Ordinance number 16273 which established the El Paso Advisory Committee on International Affairs, defined its purpose and duties, provided for its appointment, structure, and terms of office.
- F. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in Lot 6 and the North 3 feet of Lot 5, Block 104, Campbell Addition, an addition to the City of El Paso, described in the First Tract in Volume 2624, Page 222, Deed Records, in El Paso County, Texas, (609 S. Kansas St.) to Frank Parra in accordance with Section 34.05 (h) of the Tax Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 14, 2006, FOR ITEMS 10A – 10F

G. An Ordinance changing the zoning of a portion of Lot 17, Block 126, Pebble Hills Subdivision Unit 15, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Yarbrough Drive, North of Pebble Hills Boulevard. Applicant: EPT Pueblo Condominiums, L.P. ZON06-00112

PUBLIC HEARING WILL BE HELD ON NOVEMBER 21, 2006, FOR ITEM 10G

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11A.

ORDINANCE 16486

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

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, 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**.

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11C.

ORDINANCE 16488

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), OF THE CITY CODE, TO AMEND THE DEFINITION OF PARADE AND THE PROVISION LIMITING THE LENGTH OF PARADES CONSISTING SOLELY OF MOVING VEHICLES; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 – 1.08.030 OF THE CITY CODE.**

Mayor Cook commented.

Mr. Charlie McNabb, City Attorney, and Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Jerry Kelley
2. Mr. Glen Green
3. Mr. Mondo Parra
4. Mr. Frankie Gomez

Motion duly made by Representative Steve Ortega, seconded by Representative Holguin, 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**.

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11D.

ORDINANCE 16489

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 7, BLOCK 6, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL) AND R-4 (RESIDENTIAL).**

Motion duly made by Representative Steve Ortega, seconded by Representative Holguin, 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**.

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11E.

ORDINANCE 16490

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACTS 2B, 2B4, 2B5, AND 2B6A AND A PORTION OF BUTCHER ROAD RELEASED AND QUITCLAIMED, BLOCK 20, YSLETA GRANT AND A PORTION OF TRACTS 38, 39, 40, AND 41, PALMDALE ACRES, EL PASO, EL PASO COUNTY, TEXAS, FROM A-M (APARTMENT AND MOBILE HOME PARK) AND R-F (RANCH AND FARM) TO A-O (APARTMENT/OFFICE); AND PARCEL 2: A PORTION OF BUTCHER ROAD RELEASED AND QUITCLAIMED, BLOCK 20, YSLETA GRANT AND A PORTION OF TRACTS 38, 39, 40, AND 41, PALMDALE ACRES, EL PASO, EL PASO COUNTY, TEXAS, FROM A-M (APARTMENT AND MOBILE HOME PARK) TO C-4 (COMMERCIAL), AND IMPOSING A CONDITION.**

Representative Lozano commented.

Mr. Alfredo Lopez, Development Services, commented.

Motion duly made by Representative Lozano, 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**.

11F.

ORDINANCE 16491

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 24 AND THE EAST 14.5 FEET OF LOT 23, BLOCK 92, BASSETT ADDITION, EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING A CONDITION.**

Representative O'Rourke commented.

Mr. Alfredo Lopez, Development Services, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Holguin, 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**.

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11G. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **POSTPONE** for one week an Ordinance changing the zoning of a portion of Lot 27, Block 25, Latta's (Woodlawn) Addition, El Paso, El Paso County, Texas, from A-3 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3809 East Paisano Drive. Applicant: Abdalnassir Almaghrabi, Trustee. ZON06-00092.

Representative Lozano commented.

Mr. Alfredo Lopez, Development Services, commented.

The following members of the public commented:

1. Ms. Bertha Medrano
2. Mr. Saul Sustaita, Pasadena Neighborhood Association

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11H. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks an Ordinance changing the zoning of a portion of Lots 3 and 4, Block 280, Pierce Finley Addition, El Paso, El Paso County, Texas, from A-2 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1002 Arizona Avenue. Applicant: Christ Chavez. ZON06-00094

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11I. PUBLIC HEARING(S) – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks an Ordinance changing the zoning of a portion of Lots 2 and 3, Block 4, Continental Industrial Park, El Paso, El Paso County, Texas, from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1055 Diesel Drive. Applicant: Juana Morales Orozco. ZON06-00096.

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12A.

R E S O L U T I O N

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

WHEREAS, Texas local governments and local government organizations are dedicated to attaining clean air and reasonably-priced electric energy in sufficient quantities;

WHEREAS, pending plans for the construction of approximately sixteen coal-burning electric power plants in Texas before 2010 may adversely impact air quality in numerous Texas locales; may adversely affect local governments' ability to attain and maintain federally-mandated clean air standards, may adversely affect the health, morale, and productivity of local government officers and employees and of local governments' residents, and may adversely affect the attractiveness, usefulness of outdoor venues including parks and other entertainment and recreation facilities, and cause diminution of local government revenue associated with such adverse affects;

WHEREAS, the Coalition is committed to ensuring that said plants use generation methods best calculated to minimize air pollution while still providing sufficient electric generating capacity for Coalition members' needs at reasonable prices;

WHEREAS, the Coalition seeks to ensure that the federal and state governmental agencies that are responsible for permitting said construction provide full and fair consideration of the Coalition's concerns, and that appropriate studies, reports, and expert opinions are presented to these agencies in the course of their decision-making process;

WHEREAS, the adoption of full and fair procedures and standards by state and federal agencies that adjudicate and adopt rules on environmental matters is of fundamental importance to all members of the Coalition;

WHEREAS, failure to attain and maintain federal-mandated clean air standards, insufficient electric energy, and unreasonably priced electric energy each can substantially and adversely affect, among other important things, the level of economic activities in the Coalition members' jurisdictions and hence their respective tax, franchise, right-of-way compensation and other sources of funding for their respective general funds;

WHEREAS, jointly participating in permitting proceedings and related efforts with other local governments and local government organizations will allow the City of El Paso to benefit from the outcome of intervention in these proceedings while minimizing the costs of intervention;

WHEREAS, upon the review and consideration of the Bylaws for the Coalition, the City Council of the City of El Paso is of the opinion that it is in the best interest of the City of El Paso and its residents to become a member of the Coalition;

WHEREAS, a donation has been made to the Coalition by Don Henley to cover the initial membership assessment of \$10,000.00 for the City of El Paso;

WHEREAS, the City Council further finds that Charles F. McNabb, City Attorney, should be appointed as the official representative for the City of El Paso to the Coalition and should be authorized to act and vote on behalf of the City of El Paso in all respects in relation to the Coalition including any intervention in permit proceedings and related appeals or, with the consent of this Council, other litigation that the Coalition may conduct.

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

Section I. The recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a port of this Resolution.

Section II. The Participation Agreement and Bylaws of the Texas Clean Air Cities Coalition (the "Coalition") attached hereto as Exhibit "A" are hereby approved.

Section III. The City of El Paso accepts membership in the Coalition.

Section IV. The City Council hereby accepts the donation made by Don Henley to the Coalition in accordance with the Participation Agreement and By-Laws of the Coalition of the initial membership assessment of \$10,000.00 to be due and payable on the dates to be set by the Coalition.

Section V. The City Council hereby appoints Charles F. McNabb, City Attorney, to serve as the City of El Paso's representative to the Coalition and to act on its behalf in all respects in relation to the Coalition including any intervention in permitting proceedings, including related appeals, or other litigation that the Coalition may conduct, without diminishing the power and authority of the City Attorney to conduct litigation and of this City Council to approve settlement and matters reserved to the Council by Charter. It is understood that before the Coalition commences any litigation not directly concerned with the permitting proceedings or related appeals, that the Coalition membership other than associate members will be giving reasonable notice and an opportunity to object, and that members who did not approve other litigation that the Coalition authorizes may withdraw from the Coalition but without refund of any dues or assessments.

Section VI. The City Council agrees that the City Council's representative is authorized to take those steps that are reasonable and necessary to comply with the intent of this Resolution.

Section VII. This Resolution shall become effective immediately upon its passage.

Representative Castro commented.

Ms. Sylvia Firth, Senior Staff Attorney, gave legal advice.

Motion made by Representative Lozano, seconded by Representative Byrd, and carried to **APPROVE** the above Resolution.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Holguin

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12B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week the discussion and action concerning the proliferation of unauthorized roadside advertisements.
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13A. DEVELOPMENT SERVICES

That the City Manager be authorized to sign a partial release of contract by and between Leavell Development Company, a corporation, and Individual Homes, Inc. (hereinafter the "Contract"), releasing conditions 1 and 2, in the contract dated March 2, 1977, for the property described as a portion of Lot 17, Block 126, Pebble Hills Subdivision Unit 15, City of El Paso, El Paso County, Texas. Subject Property: Yarbrough Drive, North of Pebble Hills Boulevard. Applicant: EPT Pueblo Condominiums, L.P. ZON06-00119

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

13B.

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 Manager be authorized to sign a Development Agreement by and between the City of El Paso, the El Paso Water Utilities-Public Service Board and JNC Development, L.P., to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's East Extraterritorial Jurisdiction and containing 35.913 acres, being Tract 3A and 2A, Section 4, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso County, Texas; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board.

1ST MOTION

*Motion made, seconded, and unanimously carried to **POSTPONE** the above Resolution for one week.

2ND MOTION

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

Ms. Sylvia Firth, Senior Staff Attorney, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly, O'Rourke, Byrd, and Holguin commented.

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

Mr. Rudy Valdez, Development Services, commented.

3RD AND FINAL MOTION

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

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15A. BEST VALUE PROCUREMENT

Discussion and action on the award of Solicitation No. 2006-202, Video Imaging Vehicle Detection System, to Texas Highway Products, for a total award of \$526,650.00. This system monitors vehicles on roadways and provides detection outputs to traffic control equipment.

Department: Street
Award to: Texas Highway Products
Round Rock, TX
Item(s): 1, 2, and 3
Amount: \$526,650.00
Account No.: 32010288-01101-503203
99331117-27263-508027 Project PCP06ST013
14200403-29145-508027 Project PBE04ST130
99331117-27263-508027 Project PCP06ST021
Funding Source: Signal & Flashing Installation, Public Access Maintenance
& Repairs and FY06 Certificate Obligation Construction
Total Award: \$526,650.00

This is a one-time procurement.

The Departments of Financial Services and Street recommend award to the bidder offering the best value bid.

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

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

15B. REQUEST FOR PROPOSAL

Discussion and action on the award of Solicitation No. 2007-004R, Lease, Develop, & Operate Food & Beverage Concessions at the El Paso International Airport, to Host International, Inc. for a total estimated award of \$11,444,853.00.

Department: Department of Aviation
Award to: Host International, Inc. (HMSHost Corporation)
Bethesda, MD
Account No.: Revenue Contracts
Funding Source: Revenue Contracts
Total Estimated Award: \$11,444,853.00 (Projected revenue during the contract's term)

The Review Committee recommends award as indicated. Host International, Inc. (HMSHost Corporation) submitted the highest ranked and best proposal to meet the needs of the City.

The term of the contract is 10 years, following the completion of construction.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review, and the City Manager execute any additional documents and agreements as necessary.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Mr. Pat Abeln, Director of Aviation

The following members of the public commented:

1. Mr. Stephen Douglas, Host International
2. Mr. Bob Stanton, citizen
3. Ms. Rosa Saenz, Carlos & Mickey's
4. Mr. Hector Heres, Taco Tote
5. Mr. Aaron Meras, Mesa Street Grill
6. Mr. Brian Lacey, Delaware North Companies
7. Mr. Fred Jackson, Delaware North Companies
8. Ms. Laura Alphran, Delaware North Companies
9. Mr. Kinley Pon, Kinley's Coffee House
10. Ms. Consuelo Forti, Forti's Mexican Restaurant
11. Ms. Reyna Hernandez, Union Representative
12. Mr. Alan Simpson, Airport Board Chairperson

1ST MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Brian Lacey an additional five minutes to speak.

2ND MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Fred Jackson an additional three minutes to speak.

3RD MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Consuelo Forti to speak after the sign-up period.

4TH MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, to **POSTPONE** the item for one week. The motion **FAILED**.

AYES: Representatives Lozano, Presi Ortega, Jr., and Holguin

NAYS: Representatives Lilly, Byrd, Castro, Steve Ortega, and O'Rourke

5TH AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative O'Rourke, and carried to **APPROVE** the above award with the amendments as read into the record by Ms. Joyce Wilson, City Manager:

That the contract between the City of El Paso and Host International, Inc. include the following:

(1) a provision whereby actual revenues from concessions be benchmarked against Host International's projected revenues so as to ensure that said projections were not unnecessarily inflated;

(2) a provision whereby Host International shall place the \$6,000,000 for leasehold improvements in an escrow account (or equivalent thereof) so as to be available during the build-out timeframe; and
(3) a provision whereby Host International shall give due consideration to hiring current employees of Delaware North Companies.

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

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15C.

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 Manager be authorized to execute an Interlocal Agreement by and between the City of El Paso, Texas, and the City of Socorro, Texas, whereby the City of Socorro may purchase vehicles under Contract Nos. 2005-262 and 2006-061 previously awarded by the City of El Paso to Casa Ford, Inc.

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

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Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 7:58 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk