

**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**  
November 2, 2010  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Carl Robinson, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Emma Acosta and Beto O'Rourke at 8:37 a.m., during Executive Session deliberations and Ann Morgan Lilly at 8:41 a.m., during Executive Session deliberations. Absent: Rachel Quintana requested to be excused. The invocation was given by Police, Fire and CIMA Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **DIABETES MONTH**
2. **EL PASO LAWYERS FOR PATRIOTS WEEK**
3. **BOWIE HIGH SCHOOL ACADEMIC EXCELLENCE**

**RECOGNITIONS**

**THE MAYOR'S TOP 100 TEENS**

**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. Jerry Thiedt
  3. Mr. Lynn Fitzgerald
- .....

Motion made by Representative Robinson. seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

NOT PRESENT FOR THE VOTE: Representatives Lilly, Acosta, and O'Rourke  
ABSENT: Representative Quintana

- 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 Byrd, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke  
ABSENT: Representative Quintana

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**EX1.** Application of El Paso Electric Company to Implement Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 38802. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried to grant the authority to the City Attorney to file a Motion in Intervention on behalf of the City for the Application of El Paso Electric Company to Implement an Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 38802.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, O'Rourke  
NAYES: None  
ABSENT: Representative Quintana

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**EX2.** Application of El Paso Electric Company for an Amendment to its Certificate of Convenience and Necessity for a Peaking Generation Unit at the Rio Grande Site in New Mexico before the Public Utility Commission of Texas, Docket No. 38717. (551.071)

Motion made Mayor Pro Tempore Acosta, seconded by Representative Robinson and carried to grant the authority to the City Attorney to file a Motion in Intervention on behalf of the City regarding the Application of El Paso Electric Company for an Amendment to its Certificate of Convenience and Necessity for a Peaking Generation Unit at the Rio Grande Site in New Mexico before the Public Utility Commission of Texas, Docket No. 38717.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, O'Rourke  
NAYES: None  
ABSENT: Representative Quintana

Mayor Cook and Representative Byrd commented.

Ms. Mary Beth Stevens, El Paso Electric Company, commented.

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**EX3.** Petition of Texas Gas Service Company, a Division of ONEOK, Inc. for Review of Ratesetting Action of the City of El Paso before the Railroad Commission of Texas, Gas Utility Docket No. 9988. (551.071)

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Acosta, 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, Acosta, Robinson, Holguin, and Ortega

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

ABSENT: Representative Quintana

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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 26, 2010.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Quintana from the Regular City Council Meeting of November 2, 2010.

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**3A.**

**\*RESOLUTION**

\*Motion made, seconded, and unanimously carried to **APPROVE** Resolutions that the Solid Waste liens posted below be approved.

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, LOS NINOS CHILDREN'S TRUST, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1612 Rim Road, more particularly described as PT OF LOT 15 BEG 216.87' NE OF SWC (106.35' ON ST-61.69' NLY-IRREG ON ELY-IRREG ON SLY) (10826.67 SQ FT), Block 1, Lost Padre Mine Estates Subdivision, El Paso, El Paso County, Texas, Parcel #L791-999-0010-7100 to be \$308.11, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED THIRTY-TWO AND 11/100 DOLLARS (\$332.11). The City Council finds that the work was completed on the 19th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY-TWO AND 11/100 DOLLARS (\$332.11) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, OLGA MENDOZA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5316 Dearborne Drive, more particularly described as Lot(s) 31, Block 15, Temple Hills Subdivision, El Paso, El Paso County, Texas, Parcel #T116-999-0150-6100

to be \$266.41, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDREN NINETY AND 41/100 DOLLARS (\$290.41). The City Council finds that the work was completed on the 17TH day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY AND 41/100 DOLLARS (\$290.41) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, PEDRO ROSALES, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

N 60.15 Ft of E 140.00 Ft of S 170.15 Ft of Lot 218 (8421.00 Sq Ft), South Parkland Subdivision, City of El Paso, El Paso County, Texas, Parcel #S546-999-2180-8500

to be \$268.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED NINETY-TWO AND 06/100 DOLLARS (\$292.06). The City Council finds that the work was completed on the 6th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED NINETY-TWO AND 06/100 DOLLARS (\$292.06) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, U S BANK NA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or

other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10752 Pleasant Hill Drive, more particularly described as Lot(s) 1 (6790.89 Sq Ft.), Block 23, Pleasant Hills #4 Subdivision, El Paso, El Paso County, Texas, Parcel #P863-999-023-0100

to be \$98.67, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED TWENTY-TWO AND 67/100 DOLLARS (\$122.67). The City Council finds that the work was completed on the 1st day(s) of April, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY-TWO AND 67/100 DOLLARS (\$122.67) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, YGNACIA RAMIREZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10312 Wilshire Street, more particularly described as Lot(s) 31 (6320 SQ FT), Block 15, Sun Valley Subdivision, El Paso, El Paso County, Texas, Parcel #S816-999-0150-6100

to be \$159.17, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY-THREE AND 17/100 DOLLARS (\$183.17). The City Council finds that the work was completed on the 24th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED EIGHTY-THREE AND 17/100 DOLLARS (\$183.17) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, CONFIDENTIAL, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot(s) 42, Singh Subdivision, City of El Paso, El Paso County, Texas,  
Parcel #S445-999-0010-4200

to be \$164.26, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY-EIGHT AND 26/100 DOLLARS (\$188.26). The City Council finds that the work was completed on the 4th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED EIGHTY-EIGHT AND 26/100 DOLLARS (\$188.26) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ENRIQUE MATA JR, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Tract 10-C (1.8739 AC), Block 6, Ysleta Subdivision, City of El Paso, El Paso County, Texas, Parcel #Y805-999-0060-1020

to be \$1,322.99, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND THREE HUNDRED FORTY-SIX AND 99/100 DOLLARS (\$1,346.99). The City Council finds that the work was completed on the 27th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE THOUSAND THREE HUNDRED FORTY-SIX AND 99/100 DOLLARS (\$1,346.99) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ALFREDO RODARTE, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1029 Ranger Trail, more particularly described as S 1/2 OF TR 25 & N 12.5 FT OF LOT 26, Rangers Rest Subdivision, El Paso, El Paso County, Texas, Parcel #R265-999-0010-9100

to be \$150.64, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY-FOUR AND 64/100 DOLLARS (\$174.64). The City Council finds that the work was completed on the 28th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY-FOUR AND 64/100 DOLLARS (\$174.64) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, CONFIDENTIAL, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot(s) 1 & 2 & 11 TO 13 EXC 0.461 ACRE, Block 5, Mesa Vista Subdivision, City of El Paso, El Paso County, Texas, Parcel #M380-999-0050-1100

to be \$255.47, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SEVENTY-NINE AND 47/100 DOLLARS (\$279.47). The City Council finds that the work was completed on the 19th day(s) of May, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED SEVENTY-NINE AND 47/100 DOLLARS (\$279.47) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference

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**3B.**

**\*RESOLUTION**

**WHEREAS**, the City Council has on numerous occasions recognized the importance of the Star on the Mountain to the community and presently expends City funds in support of the lighting of the Star; and

**WHEREAS**, support for the University of Texas at El Paso and its athletic programs is strong within the community and serves as a point of unity and source of pride in the City, and participation in the coordination of an event called “Miner Orangeville Day” to show support for UTEP coach Tim Floyd and the basketball program is important for achieving a positive identity and unification of the community.

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

That the City Council declares that the expenditure of funds to participate in the “Miner Orangeville Day” event and to support the color change to light the Star on the Mountain in conjunction with the “Miner Orangeville Day” event within the City, benefits the community, serves a municipal purpose, and is authorized; and

That the City Manager is authorized to take all necessary and appropriate action pursuant to this resolution and the City’s agreement relating to the operation and maintenance of the Star on the Mountain regarding the City’s participation in the “Miner Orangeville Day” event.

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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding among THE CITY OF EL PASO, a municipal corporation situated in El Paso County, Texas, in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area (“MPO”), the LOWER VALLEY RIO GRANDE VALLEY DEVELOPMENT COUNCIL (“LRGVDC”) and the HIDALGO COUNTY METROPOLITAN PLANNING ORGANIZATION (“HCMPO”), concerning the 2010 Border To Border Transportation Conference to be held in El Paso, Texas, November 16-18, 2010, as therein described.

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**3D.**

**\*RESOLUTION**

**A RESOLUTION DELEGATING TO THE CITY PLAN COMMISSION THE RESPONSIBILITY OF ESTABLISHING A SUBCOMMITTEE FOR THE PURPOSES OF ASSISTING IN THE REVISIONS TO THE CITY OF EL PASO’S COMPREHENSIVE PLAN**

**WHEREAS**, Chapter 213 of the Texas Local Government Code grants statutory authority for the City to develop a comprehensive plan for the long range development of the city and to promote the public health, safety, and welfare of the city; and

**WHEREAS**, the Comprehensive Plan consists of the planning documents and related materials by which the City establishes long-range general policies for guiding growth and development of the community in a coordinated and unified way; and

**WHEREAS**, the last update to the City's Comprehensive Plan was completed in 1999 and an update is critically needed to bring the Comprehensive Plan up to date; and

**WHEREAS**, on April 6, 2010, the City entered into an agreement for professional services with a Consultant to rewrite the City's Comprehensive Plan; and,

**WHEREAS**, Section 20.04.120 of the El Paso City Code has delegated to the City of El Paso City Plan Commission the authority to formulate and recommend to City Council the approval of the City's Comprehensive Plan; and,

**WHEREAS**, Section 2.08.100 of the El Paso City Code allows the City Council to refer plans to the City Plan Commission for a report and recommendation; and,

**WHEREAS**, City Council wishes to delegate to the City Plan Commission the additional responsibility of establishing a subcommittee consisting of City Plan Commission members as well as members from other city boards, city staff and other organizations.

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

1. That the City Plan Commission is delegated the additional responsibility of establishing a subcommittee whose membership shall be comprised from the following boards, organizations and departments:

- City Plan Commission - 3 members.
- Open Space Advisory Board – 1 member
- Parks and Recreation Advisory Board – 1 member
- Neighborhood Coalition – 1 member
- Housing Authority of the City of El Paso – 1 member
- El Paso Association of Builders – 1 member
- El Paso Association of Realtors – 1 member
- Paso Del Norte Group Health Foundation – 1 member
- American Institute of Architects, El Paso Chapter – 1 member
- Texas Council of Engineering Companies, El Paso Chapter – 1 member
- The Greater El Paso Chamber of Commerce, Infrastructure and Development Committee – 1 member
- Mass Transit Department – 1 member
- El Paso County– 1 member
- Metropolitan Transportation Organization – 1 member
- City Manager – 2 members
- Sustainability Manager

2. The duties of the subcommittee shall be to review and report to the City Plan Commission as a whole, the subcommittee's recommendations concerning revisions to the City's Comprehensive Plan.

3. The Chair of the City Plan Commission shall serve as the Chair of the subcommittee. The subcommittee at their first meeting may elect a Vice Chair and may adopt rules of procedures for the conduct of meeting, provided that no such rules shall be inconsistent or in conflict with this Resolution.

4. The Chair shall call meetings of the subcommittee as the Chair deems necessary.

5. The subcommittee shall remain a standing committee through the duration of the work, and shall discontinue meeting upon the completion and adoption by City Council of all areas of the Comprehensive Plan update, or as otherwise determined by City Council.

6. A quorum shall constitute seven members and a simple majority is required for all matters considered by the subcommittee. The Chair may vote on all matters.

Representative Robinson commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Mathew McElroy, Deputy Director of Planning

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**3E.**

**\*RESOLUTION**

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

1. That the El Paso City Council approves submission of the grant application for the Gang Initiative project to the Office of the Governor, Criminal Justice Division.

2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, as well as apply for, accept, reject, alter or terminate the grant in the amount of TWO HUNDRED THOUSAND AND NO/100 DOLLARS (\$200,000.00) from the El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the El Paso Police Department’s Anti-gang Initiatives.

3. No cash match is required.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City of El Paso receives or provides to its police department at or after the time the grant is awarded.

5. The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

.....  
**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Joseph S. Daubach to the Greater El Paso Civic, Convention, and Tourism Advisory Board as requested by Representative Rachel Quintana, District 5.  
.....

**5A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Belinda Mendez-Acosta to the Civil Service Commission by Representative Emma Acosta, District 3.

**5B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Paula Villalobos-Jimenez to the Ethics Review Commission by Representative Emma Acosta, District 3.

**5C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ruben Ponce to the Construction Board of Appeals by Representative Emma Acosta, District 3.

**5D. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Gerardo A. Licon to the Building and Standards Commission by Representative Emma Acosta, District 3.

**6. APPLICATIONS FOR TAX REFUNDS**

\*That the tax refunds listed on the attachment posted with this agenda be approved, subject to auditor approval.

- A. Chase Home Finance in the amount of \$4,666.08 overpayment of 2009 taxes. (PID #E222-999-1430-0500).
- B. Ocwen Loan Servicing in the amount of \$5,382.57 overpayment of 2009 taxes. (PID #K216-999-0500-3100).
- C. Fidelity National Title in the amount of \$5,123.05 overpayment of 2009 taxes. (PID #N490-999-0060-2800).
- D. Citimortgage in the amount of \$3,794.81 overpayment of 2009 taxes. (PID #V893-999-4530-1500).
- E. Corelogic in the amount of \$2,742.56 overpayment of 2009 taxes. (PID #V897-999-0870-2300).
- F. Chase Home Finance c/o Corelogic in the amount of \$3,071.58 overpayment of 2009 taxes. (PID #V897-999-0760-1200).

**7A. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Environmental Systems Research Institute, Inc. (ESRI), a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-492, for annual license and software maintenance support in the estimated annual amount of \$100,827.39. The City has made the determination that the cost is fair and reasonable.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology  
Funding Source Data Process Services/General Fund  
Total Estimated Amount: \$100,827.39  
Reference No.; 2011-059

.....  
**7B. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Sigma Solutions Inc., a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-1385 to upgrade the City's current firewall capabilities to increase security and deployment flexibility and various performance features in the total amount of \$115,528.12. The City has made the determination that the cost is fair and reasonable.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology  
Funding Source IT Capital Acquisitions  
Total Estimated Amount: \$115,528.12  
Reference No.; 2011-071

.....  
**7C. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to INX, Inc. a State Department of Information Resources (DIR) contractor under Contract Number DIR-SDD-677 to upgrade the structured cabling system at City Hall (basement through 9<sup>th</sup> floor) to the newest standards for data communications that will support a multi-product environment in the estimated amount of \$189,794. The City has made a determination that the cost is fair and reasonable.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by the Mayor and City Council on February 27, 2007.

Department: Information Technology  
Funding Source: General Fund  
Total Estimated Amount: \$189,794  
Reference No.; 2011-074

.....  
**8A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-278 for the Police Department Explosive Magazine Storage Facility Re-Bid to Smart Construction Managers, LLC for a total amount of \$195,000.

Department: Engineering and Construction Management  
Award to: Smart Construction Managers, LLC

Base Bid: \$195,000  
Total Estimated Completion: \$195,000  
Funding Source: Police restricted confiscated funds

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 design, 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 and Police Department recommend award as indicated to the lowest responsible bidder.

Representative Ortega commented.

The following City Staff members commented:

1. Mr. Sam Rodriguez, Engineering Division Manager
2. Mr. R. Alan Shubert, City Engineer

.....  
**8B. BID**

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-235 for the Colonia Verde Park Improvements, to Karlsruhe, Inc. dba CSA Engineers & Constructors for a total estimated amount of \$116,700.

Department: Engineering and Construction Management  
Award to: Karlsruhe, 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.

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

NAYES: None

ABSENT: Representative Quintana

Representatives Robinson and Holguin commented.

Mr. Sam Rodriguez, Engineering Division Manager, commented.

..... 9A. -

**9B. INTRODUCTIONS**

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

ABSENT: Representative Quintana

**9A.** An Ordinance vacating the alley between Lots 22 and 23, Block 5, Map of Orchard Addition, City of El Paso, El Paso County, Texas.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 9, 2010, FOR ITEM 9A**

**9B.** An Ordinance amending Title 21 (SmartCode), Chapter 21.10 (General to All Plans), Section 21.10.040 (Process), of the El Paso City Code to clarify the application submittals. The penalty is as provided for in 21.60 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 30, 2010, FOR ITEM 9B**

.....  
**ITEMS 10A AND 10B TAKEN TOGETHER**

**10A.**

**ORDINANCE 17443**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010" AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

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

NAYS: None

ABSENT: Representative Quintana

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**.

10B.

ORDINANCE 17444

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010” AND RESOLVING MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE, INCLUDING A DELEGATION OF AUTHORITY.**

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

Mayor Cook and Representatives Byrd and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Paul Braden, Outside Bond Counsel, Fulbright & Jaworski, LLP, commented.

Mr. Jerry Thiedt, citizen, commented.

Motion duly made by Mayor Pro Tempore Acosta, 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, Holguin, Ortega and O’Rourke

NAYS: None

ABSENT: Representative Quintana

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

11A.

ORDINANCE 17445

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR ALL OF LOT 1, BLOCK 1, SIERRA CREST, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Mr. Ray Bannon, citizen, presented a PowerPoint presentation (copy on file in the City Clerk’s office).

Mayor Cook and Representative Ortega commented.

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

Motion duly made by Representative Lilly, 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, Byrd, Acosta, Holguin, Ortega and O'Rourke  
NAYS: None  
ABSTAIN: Representative Robinson  
ABSENT: Representative Quintana

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

.....  
**11B.**

**ORDINANCE 17446**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON10-00051, TO ALLOW FOR INFILL DEVELOPMENT ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 3, BLOCK 8, LAFAYETTE PLACE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT 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.

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, Holguin, Ortega and O'Rourke  
NAYS: None  
ABSENT: Representative Quintana

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

.....  
**ITEMS 12A, 12B, 12C, 15A AND 15B TAKEN TOGETHER**

**12A.**

**ORDINANCE 17447**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A TRANSPORTATION EASEMENT TO CONVEY TO THE STATE OF TEXAS APPROXIMATELY 102.167 ACRES OF LAND IN THE CITY OF EL PASO LOCATED IN SECTIONS 14, 15, 21, 22, 23, 28 AND 29, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS FOR USE AS PART OF THE STATE OF TEXAS SPUR 601 CONTROLLED ACCESS HIGHWAY CONSTRUCTION PROJECT.**

**12B.**

**ORDINANCE 17448**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A TRANSPORTATION EASEMENT TO CONVEY TO THE STATE OF TEXAS APPROXIMATELY 0.487 ACRE OF LAND IN THE CITY OF EL PASO LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS FOR USE AS PART OF THE STATE OF TEXAS SPUR 601 CONTROLLED ACCESS HIGHWAY CONSTRUCTION PROJECT.**

12C.

**ORDINANCE 17449**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A SPECIAL WARRANTY DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO THE STATE OF TEXAS APPROXIMATELY 0.614 ACRE LOCATED IN SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, ADJACENT TO FRED WILSON ROAD, FOR THE STATE OF TEXAS SPUR 601 CONTROLLED ACCESS HIGHWAY CONSTRUCTION PROJECT.**

Mayor Cook and Representative Byrd commented.

Ms. Terry Quezada, Deputy Director to Department of Transportation commented.

Motion duly made by Mayor Pro Tempore Acosta, 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, Holguin, Ortega and O'Rourke

NAYS: None

ABSENT: Representative Quintana

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

.....  
ITEMS TAKEN TOGETHER

13A.

**ORDINANCE 17450**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, AMENDING RULE 2 PROVIDING FOR THE EXTENSION OF EMPLOYEES PROBATIONARY PERIOD; RULE 5 RELATING TO STARTING SALARIES; RULE 8 RELATING TO THE REMOVAL OF AN APPLICANT FROM AN ELIGIBLE LIST FOR CERTAIN CONVICTIONS; RULE 13, TO ALLOW VACATION TO BE TAKEN IN ONE HOUR INCREMENTS, AND RELATING TO REINSTATEMENT OF FORMER EMPLOYEES; RULE 15, RELATING TO THE REMOVAL OF FORMAL COUNSELING DOCUMENTS FROM PERSONNEL FILE; AND RULE 29 RELATING TO THE OUTSIDE EMPLOYMENT OF PART-TIME EMPLOYEES.**

13B.

**ORDINANCE 17451**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND SECTION 3.4D REGARDING THE DETERMINATION OF THE RATE OF PAY FOR RECLASSIFIED EMPLOYEES.**

Ms. Linda B. Thomas, Human Resources Director, commented.

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, Holguin, Ortega and O'Rourke  
NAYS: None  
ABSENT: Representative Quintana

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

.....  
**14.**

**RESOLUTION**

**WHEREAS**, the By-laws and Procedures for the Metropolitan Planning Organization (MPO), Transportation Policy Board (TPB) provide that the City of El Paso may appoint someone to the TPB to represent the City;

**WHEREAS**, Deputy City Manager Patricia D. Adauto has retired from City service and will no longer serve on the TPB; and

**WHEREAS**, the City of El Paso now desires to appoint a replacement for Ms. Adauto.

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

That Joyce Wilson, City Manager for the City of El Paso be appointed to the Transportation Policy Board for the Metropolitan Planning Organization as a representative of the City of El Paso in lieu of Patricia D. Adauto, effective immediately.

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

Ms. Joyce Wilson, City Manager, and Mr. Ted Marquez, Engineering Division Manager, commented

**1<sup>st</sup> MOTION**

Motion made by Representative Robinson seconded by Representative Holguin to **APPROVE** Ted Marquez, to the Transportation Policy Board.

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

**THE MOTION FAILED.**

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **APPOINT** Joyce Wilson, to the Transportation Policy Board.

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

ABSENT: Representative Quintana

.....  
ITEMS 15A AND 15B, TAKEN WITH 12A, 12B, AND 12C

**15A.**

**RESOLUTION**

That the City Council authorizes the Mayor to enter into an interlocal agreement entitled "Multiple Use Agreement" with The Texas Department of Transportation. The agreement provides that TxDOT's contractor will construct parking spaces in the highway right-of-way for the use of the City and the public at the Animal Shelter adjacent to Spur 601 at no cost to the City. The parking spaces shall be located in the 0.614 acre area conveyed by Special Warranty Deed from the City to the State of Texas for TxDOT's construction Spur 601. The City shall be responsible for keeping the parking lot in a clean and sanitary condition.

**15B.**

**RESOLUTION**

That the City Council authorizes the Mayor to enter into an interlocal agreement entitled "Multiple Use Agreement" with The Texas Department of Transportation. The agreement provides that TxDOT's contractor will construct parking spaces in the highway right-of-way for the use of the City and the public at the Sun Metro Facility adjacent to Spur 601 at no cost to the City. The parking spaces shall be located in the 0.487 acre area of the Transportation Easement provided from the City to the State of Texas for TxDOT's construction of Spur 601. The City shall be responsible for keeping the parking lot in a clean and sanitary condition.

Mayor Cook and Representative Byrd commented.

Ms. Terry Quezada, Deputy Director to Department of Transportation commented.

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

.....  
**16A.**

**RESOLUTION**

**A RESOLUTION REMOVING A CONDITION PLACED ON PROPERTY BY A CONTRACT DATED FEBRUARY 10, 1972 AND AMENDED ON JANUARY 12, 1979, WHICH IMPOSED CONDITIONS ON A PORTION OF LOT 2, BLOCK 2, RANCHO ALEGRE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the zoning of the property described as a portion of Lot 2, Block 2, Rancho Alegre Subdivision, City of El Paso, El Paso County, Texas, and as more particularly described on the attached Exhibit "A", incorporated by reference, was changed by City Council on February, 10, 1972; and,

**WHEREAS**, as part of the rezoning, conditions were imposed on the property by a Contract dated on February, 10, 1972; and,

**WHEREAS**, one of the conditions restricted the property to no more than 16 apartment units per acre; and,

**WHEREAS**, placement of such condition was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, on January 12, 1979, the above condition was amended to allow 22 efficiency or one bedroom apartment units for housing for the elderly; and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal of that above condition on the above described property; and,

**WHEREAS**, a public hearing regarding removal of the condition was held before the City Plan Commission, and the Commission recommended removing the condition; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the removal of the condition is appropriate in order to encourage this type of development,

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

1. That the following zoning condition imposed by Contract dated February, 10, 1972 and amended on January 12, 1979, restricting the number of dwelling units that can be constructed on the property described as *a portion of Lot 2, Block 2, Rancho Alegre Subdivision, City of El Paso, El Paso County, Texas* as identified as Exhibit "A" be released:

Not more than sixteen apartment units per acre shall be constructed or maintained on the property described in Exhibit "A"; provided, however, that if housing for the elderly is constructed on part of the property described as Lot 2, Block 2, Rancho Alegre Subdivision, the 22 efficiency or one-bedroom apartment units shall be permitted on said part of the property.

2. Except as herein amended, Contract dated February 10, 1972 and amended on January 12, 1979, shall remain in full force and effect.

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

Representative Ortega commented.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

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

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

NAYS: None

ABSENT: Representative Quintana

.....  
**16B.**

**RESOLUTION**

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

That the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and The Boeing Company, a Delaware Corporation ("Applicant"), in relation to the Applicant's expansion of its manufacturing facility in El Paso, Texas.

Representatives Lilly, Byrd, Acosta, Robinson, and O'Rourke commented.

Ms. Kathy Dodson, Director, Director of Planning and Economic Development, commented.

Ms. Debbie Koch, Human Resources Manager with Boeing, commented

Mr. Jeff Dodson, Manager, Government Operations, State, Local Government, with Boeing, commented.

Motion made by Representative Lilly, seconded by Representative Robinson, and unanimously carried to **APPROVE** a Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, and Ortega

NAYS: Holguin O'Rourke

ABSENT: Representative Quintana

.....  
The City Council Meeting was **RECESSED** at 12:22 p.m. in order to convene the Mass Transit Department Board Meeting.

.....  
The City Council Meeting was **RECONVENED** at 1:14 p.m.

.....  
**17. CITY MANAGER**

Discussion and action on the City's Capital Improvement Program as follows:

Resolution establishing the list of capital projects totaling approximately \$256,310,020 as listed in the Capital Improvement Plan for Fiscal Years 2011 through 2017 utilizing Certificates of Obligation pursuant to the City's Debt Management Policy, and subject to annual budgeting requirements; authorizing the City Manager to establish the funding sources for the capital plan and make all necessary budget transfers at the appropriate times for execution of the capital projects; and directing that the City Manager pursue any state and federal funding that will reduce the City's share of its participation costs to these capital projects.

Concerning City's debt obligation and schedule of debt issuances and related tax support based on the above-reference Capital Improvement Plan.

Determination of when to hold a Quality of Life Bond Initiative based on the health, safety and transportation priorities as outlined in the above-referenced Capital Improvement Plan, and impact on overall debt service and debt tax rate as a result of Council's direction.

**RESOLUTION**

**WHEREAS**, the El Paso City Council reaffirmed its Debt Management Policy on October 27, 2009 which sets forth the parameters for issuing new debt for the City of El Paso; and

**WHEREAS**, the Debt Management Policy establishes the types of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Certificates of Obligation are an appropriate debt instrument for infrastructure-related capital projects (and non-quality of life projects) at a cumulative value of \$100 million or less; and

**WHEREAS**, the El Paso City Council further directed that issuances for proposed capital projects and utilizing Certificates of Obligation be brought forward annually starting in 2010 and thereafter; and

**WHEREAS**, City staff has developed a proposed listing of capital projects to be undertaken in ensuing Fiscal Years for which the City would need to issue long term debt; and

**WHEREAS**, a proposed capital plan is enumerated in the "Capital Program" for Fiscal Years 2011 through 2017; and

**WHEREAS**, a proposed Mass Transit Department (Sun Metro) Capital Plan is enumerated in the "Capital Program" for Fiscal Years 2011 through 2017; and

**WHEREAS**, the El Paso City Council asked that the City Manager bring further consideration of the capital plans to the City Council for finalization and action.

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

1. **THAT** the El Paso City Council affirms that the Sun Metro capital plan totaling approximately \$71,156,910.00 referenced as "Mass Transit Department (Sun Metro) Capital Plan" and attached hereto as Exhibit A, shall be the established list of Sun Metro capital projects included in the "Capital Program" for Fiscal Years 2011-2017 and Certificates of Obligation are initially identified as the funding source, subject to annual budgeting requirements;
2. **THAT** the City Manager be authorized, subject to annual budgeting requirements, to establish the funding sources for the capital plan enumerated in the "Capital Program" for Fiscal Years 2011 through 2017 and make all necessary budget transfers at the appropriate times for execution of the capital projects; and
3. **THAT** the City Manager be directed to pursue any state and federal funding that will reduce the City's share of its participation costs to these capital projects.

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

Mayor Cook and Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega and O'Rourke 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. Daryl Cole, Director of Streets
4. Fire Chief Otto Drozd

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **APPROVE** the Resolution, as revised, approving only the \$71,156,910 for Mass Transit Department (Sun Metro) Capital Plan.

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

NAYS: Representative Holguin

ABSENT: Representative Quintana

**NO ACTION** was taken on the rest of the FY2001 through 2017 Capital Improvement Plan presented or the determination of when to hold a Quality of Life Bond Initiative election.

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:18 pm.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk