

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
NOVEMBER 21, 2006  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Presi Ortega, Jr., Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Melina Castro at 8:35 a.m. and Jose Alexandro Lozano at 8:36 a.m. during Executive Session deliberations. Absent: Beto O'Rourke requested to be excused. The invocation was given by Police Chaplain Cliff Barnes followed by the Pledge of Allegiance to the Flag of the United States of America.

**PUBLIC RECOGNITION**

**"STAR ON THE MOUNTAIN AWARD" TO EL PASO ASTRONAUT DANNY OLIVAS**

**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](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. Jorge Artalejo
2. Lyndsey Slape

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:33 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:

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|-----------------|--|
| 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: Representatives Lozano and Castro

Motion made by Representative Holguin, 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.

ABSENT: Representative O'Rourke

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**EX1.** Direction and legal advice regarding the City-County Health District (551.071).

Mr. Ray Gilbert, citizen, commented.

**NO ACTION WAS TAKEN**

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., and Holguin

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

ABSENT: Representative O'Rourke

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** Minutes for the Regular City Council Meeting of November 14, 2006, and the Special City Council Meeting of November 13, 2006 (Agenda Review).

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**2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBER**

\*Motion made, seconded and unanimously carried to **EXCUSE** Representative Beto O'Rourke from the Regular Council Meeting of November 21, 2006.

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**3. \*RESOLUTION**

**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 Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and Capital Cargo, Inc. ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas 79925.

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**4. REINSTATEMENT(S)**

\*Motion made, seconded, and carried to **APPROVE** the request for the following names to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

**A.** Campos, Guillermo – Airport Field Maintenance Worker

**B.** Alvarez, Ernesto – Senior Office Assistant

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**5. BOARD APPOINTMENT(S)**

\*Motion made, seconded, and unanimously carried to **APPOINT** Donald A. Michie to the Committee on Border Relations by Representative Beto O'Rourke.

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**6. APPLICATIONS FOR TAX REFUND**

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

- A. WCFSLF LTD in the amount of \$24,337.36 overpayment of 2003 taxes. (PID #A765-999-006B-0170).
  - B. Ronald W. White in the amount of \$9,183.58 overpayment of 2005 taxes. (PID #S332-999-0030-3200).
  - C. Homecomings Financial in the amount of \$2,798.56 overpayment of 2005 taxes. (PID #T287-999-0530-3800).
  - D. First American Real Estate Tax Service in the amount of \$6,680.66 overpayment of 2005 taxes. (PID #X320-000-0000-0200).
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**7. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-020, Janitorial Services – Municipal Court, to The Eagle Janitorial Services for a total estimated award of \$87,215.00.

Department:	Municipal Court
Award to:	The Eagle Janitorial Services El Paso, TX
Item(s):	1
Option:	None
Annual Estimated Amount:	\$27,405.00
Account No.:	11010011-01101-502206
Funding Source:	Operating Account Janitorial Contracts
Estimated Total Award:	\$87,215.00

This is a thirty-six (36) month contract with no option.

The Department of Municipal Court and Financial Services recommend award as indicated as this vendor has provided the Best Value Bid.

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**8. BUDGET TRANSFER**

\*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2007-327, AIRPORT

Transfer of funds to cover the cost of guard service required by new TSA mandates for increased security.

Increase	\$122,000	from	Fund Balance Transfer
Increase	\$122,000	to	Security Contracts

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**9A. – 9D. INTRODUCTIONS**

Motion made by Representative Byrd, seconded by Representative Lilly, 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 5 (Business Taxes, Licenses and Regulations), Chapter 5.46 (Assisted Living Facilities), of the El Paso City Code, to create the chapter relating to state licensing, inspection and enforcement assistance regarding assisted living facilities; the penalty being as provided in Sections 1.08.010-1.08.030 of the City Code.
- B. An Ordinance to establish regulations whereby the City of El Paso may refuse to enter into an agreement with a person indebted to the City of El Paso, and whereby the City of El Paso may offset amounts it owes vendors by amounts owed by vendors to the City of El Paso.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 5, 2006, FOR ITEM 9A – 9B**

- C. An Ordinance changing the zoning of the east one half of lots 16-20, both inclusive, block 214, Alexander Addition, an Addition to the City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- D. An Ordinance granting Special Permit No. ZON06-00110 to allow for a Planned Residential Development with private streets on a portion of Tract 1A, and all of Tract 1B, S.J. Larkin Survey No. 265, and a portion of H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, pursuant to Sections 20.12.040 and 20.22.040 (Zoning) of the El Paso City Code. The penalty is a provided for in Chapter 20.68 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 12, 2006, FOR ITEMS 9C – 9D**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may take immediate action to approve these Ordinances or may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

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**10A.**

**ORDINANCE 16509**

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

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega

NAYS: None

ABSENT: Representative O'Rourke

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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**10B.**

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

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.

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

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

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**11. MAYOR AND COUNCIL**

That the City Manager be authorized to sign a Sponsorship Agreement between the City of El Paso and Overtime Sports Southwest, LLC commencing November 21, 2006, through February 28, 2007, to sponsor the Texas vs. The Nation Game, in an amount not to exceed \$75,000 and that City Manager is authorized to sign the necessary documentation to effectuate the contract.

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

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

**2<sup>ND</sup> 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 allow Mr. Kenny Hansmire to address Council.

**3<sup>RD</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Kenny Hansmire an additional 2 minutes.

**4<sup>TH</sup> AND FINAL MOTION**

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

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**12. DEVELOPMENT SERVICES**

Discussion and action regarding the determination and setting of parade fees, charges, and collections.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager

- 2. Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.
- 3. Deputy Police Chief Paul Cross

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **AMEND THE ORDINANCE** and go back to the previous method of determining and setting parade fees, charges, and collections.

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**13A. FINANCIAL SERVICES – BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **DELETE** the item regarding discussion and action on the award of Solicitation No. 2006-179 for Rawlings Dental Health Clinic Project to F.T. James Construction, Inc. of El Paso, Texas, for a total estimated amount of \$818,818.00.

Department: City/County Health  
Award to: F.T. James Construction, Inc.  
El Paso, Texas  
Items: Base Bid I: \$818,818.00  
Account No: G7131CD0024-71150069-07846-508027  
G7131CD0024-31135001-27124-508027  
G7131CD0024-31250204-60503-508027  
Funding Source: Community Development B-05-MC-48-0024  
Certificates of Obligation FY 98A  
Certificates of Obligation FY 02  
Total Estimated Award: \$818,818.00

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 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 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Departments of Financial Services and City/County Health recommend award to the bidder offering the best value bid.

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

Ms. Joyce Wilson, City Manager, commented.

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**13B. BID**

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and unanimously carried to **AWARD** Bid Solicitation No. 2007-021 for District No. 8 Park Improvements to Blair Hall, Inc. of El Paso, Texas, for a total estimated amount of \$720,589.81. The contract includes improvements to several District No. 8 parks.

Department: Parks and Recreation  
Award to: Blair Hall, Inc.  
El Paso, Texas  
Items: Base Bid I: \$623,116.92

Total Estimated Award: Base Bid II: \$ 97,472.89  
 \$720,589.81  
 Account No: PBE04PA103-14200401-29103-508016  
 PBE04PA103-14200401-29103-508024  
 PBE04PA103-14200401-29103-508026  
 PBE04PA103-14200401-29103-508027  
 PBE04PA103-14200401-29103-508051  
 PQLPA177-31130500-60176-504405  
 Funding Source: 2004 Bond and 2000 Quality of Life Bond

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.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a low bid, unit-price contract.

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

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Ray Gilbert, citizen, commented.

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 The following items were taken together:

**14A & 14B POLICE DEPARTMENT – BUDGET TRANSFERS**

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** budget transfer BT2007-288, Police.

This transfer will increase appropriations for confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$638,136	to	Miscellaneous Non-Operating Revenue
Increase	\$115,000	to	Promotional Services
Increase	\$210,128	to	Furniture & Fixtures
Increase	\$313,008	to	Data Processing

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to approve budget transfer BT2007-289, Police.

This transfer will increase appropriations for confiscated funds to allow the Department to purchase various items and to complete various projects for this fiscal year.

Increase	\$736,160	to	Miscellaneous Non-Operating Revenue
Increase	\$ 27,360	to	Outside Contracts
Increase	\$ 9,500	to	Office Supplies & Equipment Maintenance
Increase	\$ 5,000	to	Pagers/Cellular
Increase	\$ 38,000	to	Vehicular Equipment
Increase	\$312,300	to	Public Safety
Increase	\$ 10,000	to	Animals
Increase	\$334,000	to	Construction

Mayor Cook commented.

Deputy Police Chief Paul Cross commented.

Mr. Ray Gilbert, citizen, commented.

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**ADDITION TO THE AGENDA**

**RESOLUTION**

**WHEREAS**, the Tigua Indian Reservation is an essential part of El Paso's history and heritage;

and

**WHEREAS**, the Tigua Indian Reservation has generated a great deal of awareness in El Paso, the missions, and their tribe;

**WHEREAS**, the Tigua Indians have made many improvements in their tribe and to the surrounding community;

**WHEREAS**, the Tigua Indian Reservation through the Tigua Indian Gambling Casino would provide a significant contribution to El Paso's economy;

**WHEREAS**, the Tigua Indian Gambling Casino has and will contribute to the City of El Paso's employment rates and the quality of life for its citizens;

**WHEREAS**, the building of a prosperous and sustainable Tigua Nation have been a goal of these indigenous people and;

**WHEREAS**, achieving prosperity and generating interest in the City of El Paso have resulted in the maintainability of the tribe and advancement of the Mission Valley;

**NOW, THEREFORE BE IT RESOLVED** that the City of El Paso supports the legal efforts of the Tigua Indian Reservation to re-establish its right to economic sustainability.

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

The following members of the public commented:

1. Governor Art Sinclair, Tigua Indian Reservation
2. Mr. Ray Gilbert

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

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 10:34 a.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk