

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 16, 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: Ann Morgan Lilly, Carl Robinson, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah Byrd and Eddie Holguin, Jr. at 8:38 a.m. during Executive Session deliberations. Absent: Emma Acosta requested to be excused. The invocation was given by Border Patrol Chaplain Jesse Alvarez, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. Papeleros With A Purpose Day
2. Sun Metro Customer Appreciation Day
3. Raul Chavez Day

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Rick LoBello
2. Mr. Jerry Theidt
3. Mr. Ignacio Padilla
4. Mr. Tom Brown
5. Ms. Sonia Brown
6. Ms. Margot McDonald
7. Mr. Randy Graham
8. Mr. Manny Hinojosa
9. Mr. Salvador Gomez
10. Mr. William Ward
11. Mr. Gilbert T. Gallegos
12. Mrs. Carol Cassady

- 13. Mr. Joe Salcido
- 14. Mr. Malcolm McGregor III
- 15. Ms. Lisa Turner
- 16. Ms. Lyda Ness-Garcia
- 17. Ms. Kristen Perez

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 Motion made by Representative Robinson, seconded by Representative Lilly, and 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:

NOT PRESENT FOR THE VOTE: Representatives Byrd and Holguin
 ABSENT: Representative Acosta

- 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 Robinson, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:17 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1.

Motion made by Representative Quintana, seconded by Representative Byrd, and carried that the City Attorney be authorized to make limited disclosures, in his discretion, authorizing Laura Gordon to testify on privileged lawyer-client communications regarding the City's decision to enter into the April 17, 1995, Agreed Judgment filed in Cause Number EP-94-CA-322 in *City of El Paso v. El Paso Entertainment, Inc., et al.*; Cause No. EP-07-CA-0380.

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

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EX2.

Motion made by Representative Quintana, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to deny claimant's settlement demand in the claim of Renee LaDouceur, Our File No. 10-C-013.

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

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EX3.

Motion made by Representative Quintana, seconded by Representative Robinson, and carried that the City of El Paso authorizes the City Attorney to take any and all action to protect the City's interest and position both affirmative and defensive, as necessary, related to collection efforts and debt recovery of Empowerment Zone loan No. RLF-84 against Osteo Imaging, Inc. d/b/a Imaging El Paso and loan guarantors Martha Oaxaca Cooper, Robert W. Vera, M.D., and Christopher J. Powers, M.D. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, proof of claims, complaints and any other administrative, judicial proceeding or process, in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

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

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CONSENT AGENDA

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

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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 November 9, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Emma Acosta from the Regular Council Meeting of November 16, 2010.

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3A.

***RESOLUTION**

WHEREAS, Plains Pipeline, L.P. has requested access to portions of the El Paso International Airport in order to conduct a Pipeline Recoating and Cathodic Protection Construction Project of its existing pipeline prior to the start of construction of the extension of Runway 8R-26L at the El Paso International Airport.

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

That the City Manager be authorized to sign a Temporary Right of Entry for Pipeline Recoating and Cathodic Protection Construction by and between the City of El Paso and Plains Pipeline, L.P.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, and Mr. Jeff Schultes, Assistant Director of Aviation, commented.

Ms. Lisa Turner, citizen, commented.

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3B.

***RESOLUTION**

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

That the City Manager be authorized to sign an Agreement among the City of El Paso, the County of El Paso, the University of Texas at El Paso ("UTEP") and the El Paso Sports Commission in support of the 2011 Conference USA's Men's and Women's Postseason Basketball Tournaments at the Don Haskins Center and Memorial Gymnasium at UTEP and for payment of specified portions of any revenue shortfall that will be owed to Conference USA, Inc., and that the City Manager report back to City Council on the outcome of this Agreement and the tournament.

1st MOTION

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

2ND MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:09 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:

ABSENT: Representative Acosta

- 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

3rd MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 10:19 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

4th AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to **APPROVED AS REVISED** a Resolution.

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

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3C.

***RESOLUTION**

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

THAT the City Manager be authorized to sign an Agreement by and between the City of El Paso (the "City") and the El Paso Archaeological Society, Inc. ("**EPAS**"), in exchange for EPAS' financial support and assistance to the Museum and to assist the Museum Director in achieving the aims and purposes of the

Museum, to include but not be limited to providing docents when requested, publish a monthly newsletter that will be made available at the Museum, and give the Museum 20% of all proceeds received from any and all general fundraising events conducted at the Museum by EPAS, the City agrees to provide EPAS a meeting space to conduct its weekly meetings, monthly board meetings and monthly public meetings and permitting EPAS the utility of the Museum laboratory area including storage of their materials for a period of one year.

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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 Manager or her designee be authorized to enter into negotiations with the Housing Authority of El Paso to purchase the property municipally known and numbered as 440 S. Yarbrough, El Paso, Texas and upon successful completion of negotiations to present a contract for consideration by the City Council.

Representative Ortega commented.

Ms. Joyce Wilson, City Manager and Ms. Ellen Smyth, Director of Environmental Services, commented.

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3E.

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

WHEREAS, the City of El Paso owns approximately 1.72 acres of unimproved property located adjacent to Yucca Park and the Municipal Services Center more fully identified in Exhibit "A", attached hereto and made a part hereof for all purposes; and

WHEREAS, Yucca Park is approximately 18.1 acres and an expanded park would provide additional outdoor recreation opportunities for the citizens of El Paso; and

WHEREAS, the City staff recommends that the entire 1.72 acres of unimproved land identified in Exhibit "A" be dedicated as parkland and incorporated into Yucca Park.

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

THAT the City of El Paso confirms the dedication of the approximately 1.72 acres of land identified in Exhibit "A" as parkland and will be incorporated into Yucca Park.

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4. BOARD RE-APPOINTMENT Motion

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Kristi K. Borden to the City Plan Commission by Representative Susie Byrd, District 2.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Moises Rodriguez, Jr. to the Community Development Steering Committee by Representative Emma Acosta, District 3.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Abel Saucedo to the Museums and Cultural Affairs Advisory Board by Representative Rachel Quintana, District 5.

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6A. REQUEST TO ISSUE PURCHASE ORDERS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to issue a Purchase Order to Intergraph Corporation, the sole source provider for maintenance services of the City's ILEADS software, a Police Records Management System jointly operated with the County of El Paso. The City's total estimated annual amount is \$101,176.90.

Department: Information Technology
Funding Source: Information Technology General Fund
Total Estimated Amount: \$101,176.90
Reference No.: 2011-081

Additionally, it is requested that the City Attorney's Office review and the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

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6B. REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the City Manager to sign a Service Agreement by and between the City of El Paso and Mission-Centered Solutions, Inc., for Leadership Training Services for a temporary interim period not to exceed seven months, commencing August 16, 2010. The total contract amount is not to exceed \$120,000. The City Manager will have the option to extend the contract term for up to an additional two months without further approval from City Council.

Department: Fire
Vendor: Mission-Centered Solutions, Inc.
Franktown, CO
Total Estimated Award: \$120,000
Funding Source: General Fund-Temporary Service Contracts
Reference No.: 2011-089

Ms. Joyce Wilson, City Manager and Assistant Fire Chief Carlos Carmona commented.

Ms. Lisa Turner, citizen, commented.

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6C. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to execute an Interlocal Agreement by and between the City of El Paso, Texas and the City of Socorro, Texas, whereby both entities agree to combine their efforts, from time to time, for the purchase of goods and services.

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7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-269, for the Clardy Fox Library Addition/Expansion to Blair-Hall Company, Inc. for a total estimated amount of \$107,200.

Department: Engineering and Construction Management

Award to: Blair-Hall Company, Inc.
Base Bid: \$107,200
Total Estimated Completion: \$107,200
Funding Source: Community Development Block Grant (CDBG) 35th Year

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 lump-sum contract. The Engineering and Construction Management and Environmental Services Department recommend award to the offeror who submitted the highest ranked proposal.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-029 for the De Vargas Park Improvements, to Accent Landscape Contractors, Inc. for a total estimated amount of \$173,968.

Department: Engineering and Construction Management
Award to: Accent Landscape Contractors, Inc.
Base Bid: \$173,968
Total Estimated Completion: \$173,968
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 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 Department recommends award as indicated to the lowest responsible bidder.

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7C. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-218 for the Parks Upgrade 2009 Phase 2 to H-Squared Industries, Inc. for a total amount of \$119,480.62.

Department: Engineering and Construction Management
Award to: H-Squared Industries, Inc.
Base Bid: \$119,480.62
Total Estimated Completion: \$119,480.62
Funding Source: Parkland Dedication 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 Parks Department recommend award as indicated to the lowest responsible bidder.

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8A. INTRODUCTIONS

1ST MOTION

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

- 8A.** An Ordinance to repeal Ordinance No. 017456, relating to the endorsement of traditional family values by making Health Benefits available only to City Employees and their legal spouse and dependent children.

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

THE MOTION FAILED.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, and carried to **RECONSIDER** this item.

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

3RD MOTION

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

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

THE MOTION FAILED.

4TH MOTION

Motion made by Representative Byrd, seconded by Representative Ortega, to **DIRECT** the City Attorney not to spend any staff time interpreting the intent of the voters on the initiative ordinance passed on November 2, 2010 by amending Ordinance No. 017456.

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

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

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

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8B. INTRODUCTIONS

1ST MOTION

Motion made by Representative Lilly, 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:

- 8B.** An Ordinance calling a Special Election in the City of El Paso for a Charter Election for the submission of a Charter Amendment to be held within the City on May 14, 2011; and making provisions for the conduct of the Election.

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

2ND MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **RECONSIDER** the item.

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

3RD MOTION

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

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

THE MOTION FAILED.

4TH MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **POSTPONE** eight weeks the Introduction of an Ordinance calling a Special Election in the City of El Paso for a Charter Election for the submission of a Charter Amendment to be held within the City on May 14, 2011; and making provisions for the conduct of the Election.

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

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

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

Ms. Richarda Duffy Momsen, City Clerk, commented.

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8C. INTRODUCTIONS

Motion made by Representative Lilly, 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:

- 8C.** An Ordinance changing the zoning of Lots 11 to 20, Block 59, Magoffin Addition, City of El Paso, El Paso County, Texas, be changed from A-3 (Apartment) to A-3/H (Apartment/Historic). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

PUBLIC HEARING WILL BE HELD ON DECEMBER 7, 2010, FOR ITEM 8C
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9. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Quintana, seconded by Representative Byrd, and carried to **AWARD** Solicitation No. 2010-271, for the Clint Landfill Gas Recovery System, Phase I to Stearns, Conrad and Schmidt, Consulting Engineers, Inc. for a total estimated amount of \$745,756.25.

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

Department: Engineering and Construction Management
Award to: Stearns, Conrad and Schmidt, Consulting Engineers, Inc.
Base Bid: \$679,756.25
Total Estimated Completion: \$745,756.25
Funding Source: American Recovery & Reinvestment Act (ARRA) & Garbage Collection Billings

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 may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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, which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering and Construction Management and Environmental Services Department recommend award as indicated to the lowest responsible bidder.

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (copy on file in the City Clerk's office).

Representatives Robinson and O'Rourke commented.

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10A.

ORDINANCE 17457

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE REDUCTION OF PLANNING AND BUILDING CONSTRUCTION PERMIT FEES FOR THE CONSTRUCTION OR RENOVATION OF PROPERTIES MEETING THE REQUIREMENTS OF THE CITY'S INFILL DEVELOPMENT INCENTIVE POLICY, THROUGH AUGUST 31, 2015.**

Ms. Kathryn Dodson, Director of Economic Development, commented.

Motion duly made by Representative Byrd, 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, Robinson, Holguin, Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana
ABSENT: Representative Acosta

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

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10B.

ORDINANCE 17458

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED BY ORDINANCE NO. 15672, WHICH REZONED AND IMPOSED CONDITIONS, ON THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL A: A 2.158 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS ZONED C-3/C, (COMMERCIAL/CONDITION) IDENTIFIED AS PARCEL 6 IN ORDINANCE 15672 AND REZONED TO A-O/C (APARTMENT OFFICE/CONDITION) BY ORDINANCE 017409; AND PARCEL B: A 11.283 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS ZONED R-3A/C, (RESIDENTIAL/CONDITION) IDENTIFIED AS PARCEL 7 IN ORDINANCE 15672 AND REZONED TO A-O/C (APARTMENT OFFICE/CONDITION) BY ORDINANCE 017409. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

Motion duly made by Representative Lilly, seconded by Representative O'Rourke, 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, Robinson, Holguin, Ortega and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Quintana
ABSENT: Representative Acosta

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

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10C. PLANNING AND ECONOMIC DEVELOPMENT

Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance granting Special Permit NO. ZON10-00084, to allow for infill development on the property described as Lots 13-20, and the west 75.75 feet of the south 2 feet of Lot 11 and the west 75.75 feet of Lot 12, Block 135 Campbell Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.

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

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11A.

ORDINANCE 17459

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING TO ONEOK WESTEX TRANSMISSION, L.L.C., THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, ACQUIRE, OPERATE AND MAINTAIN IN CERTAIN PORTIONS OF THE CITY OF EL PASO, TEXAS, MAINS, SYSTEMS AND FACILITIES FOR THE PURPOSE OF TRANSPORTING, DELIVERING AND SELLING NATURAL GAS WITHIN AND THROUGH SAID MUNICIPALITY TO CUSTOMERS INSIDE, BEYOND AND OUTSIDE THE LIMITS OF SAID MUNICIPALITY, AND FOR SUCH PURPOSES TO USE THE HIGHWAYS, STREETS, AVENUES, ALLEYS, EASEMENTS, BRIDGES, PARKS AND DRAINAGE FACILITIES OF SAID MUNICIPALITY FOR A PERIOD OF 20 YEARS.**

Representative Robinson commented.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, commented.

Mr. Richard Schechter, citizen, commented.

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

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

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11B.

ORDINANCE 17460

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 16090, WHICH GRANTED A FRANCHISE TO EL PASO ELECTRIC COMPANY, TO INCREASE STREET RENTAL CHARGE**, with an amendment that we receive an update every twelve months, from El Paso Electric Company.

Mayor Cook and Representative O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial and Public Safety, commented.

Mr. Richard Schechter, citizen, commented.

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

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

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12. MAYOR AND COUNCIL:

12A. Presentation from the Housing Authority of the City of El Paso regarding the status of the Paisano Green Community project. [Mayor John F. Cook, (915) 541-4145]

Representatives Robinson, Quintana, and O'Rourke commented.

Mr. Gerald Cichon, Chief Executive Officer of the El Paso Housing Authority, commented.

Mr. J. V. De Sousa, WorkShop 8, Boulder, CO, presented a PowerPoint presentation (copy on file in the City Clerk's office).

NO ACTION taken on this item.

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12B. Legislative Review Committee Report:

1. For notation only: Formal report of the Finance, Internal Audit, Engineering/CIP and Management Services Legislative Review Committee meeting held on October 14, 2010, at 10:00 a.m. as submitted by Representative Rachel Quintana, and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting as follows:

- A) 2010 – 2011 Audit Plan
- B) City’s Investment Policy for 2011.
[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

Representative Quintana commented.

NO ACTION taken on this item.

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12C. Legislative Review Committee Report:

- 1. For notation only: Formal report of the Transportation Legislative Review Committee meeting held on October 14, 2010, as submitted by Representative Ann Lilly; and
- 2. Discussion pertaining specifically to the agenda item posted by the Transportation Legislative Review Committee meeting, as follows:
 Discussion and action on an Ordinance adding a new section to Title 12 (Vehicles and Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations) of the City Code relating to restrictions on operating a motor vehicle near vulnerable road users; the penalty being as provided in Section 12.84.010 of the El Paso City Code.
 [Mobility Services, Jane Shang, (915) 541--4686]

Representative Lilly commented.

Ms. Jane Shang, Deputy City Manager of Mobility Services, commented.

NO ACTION taken on this item.

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13. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative O’Rourke, seconded by Representative Lilly, and unanimously carried to **POSTPONE** two weeks a Resolution authorizing the City Manager to sign the Agreement for Professional Engineering Services by and between the City of El Paso and Moreno Cardenas Inc., a Texas Corporation, for a project known as “Country Club Road Expansion Improvements” in the amount of \$900,000 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$950,000.

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

Representatives Lilly and O’Rourke commented

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

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

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14. RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement, between the City of El Paso ("City") and El Paso County Community College District ("EPCC"), whereby EPCC agrees to provide medical training to the City's Emergency Medical Services (EMS) System at a cost to the City in FY 2011 not to exceed \$278,941, in FY 2012 not to exceed \$407,788, and in FY 2013 not to exceed \$334,037. Said contract to have an effective date of November 1, 2010 and a termination date of August 31, 2013, with the City's option to extend the contract for an additional one-year period at the FY 2013 rates.

Mr. Bruce Collins, Purchasing Manager, commented

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

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ITEMS TAKEN TOGETHER

15A.

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 River Oaks Properties, Ltd, a Texas limited liability company, ("Applicant") to provide for a grant from the City to the Applicant in an amount not to exceed \$216,500.00 in connection with the Applicant's removal of the blighted conditions and the redevelopment of the approximately 15.3-acre property located at 5631 and 5719 Dyer Street in El Paso, Texas, subject to the terms and conditions provided in the Agreement.

1ST MOTION

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

2ND AND FINAL MOTION

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

15B.

RESOLUTION

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

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and River Oaks Properties, LTD and to sign all other documents approved by the City Attorney, or his designee, necessary and proper to consummate the purchase of the following described property:

Lots 1 through 10, both inclusive, Block 1, Satterthwaite Addition, an addition to the City of El Paso, El Paso County, Texas; also known as
601 N. Oregon Street, El Paso, El Paso County, Texas

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

Representatives Byrd and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Director of Planning and Economic Development, commented.

Mr. Richard Schechter and Mr. Jorge Amada, citizens, commented.

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15C.

R E S O L U T I O N

That the City Council approve amendments to the City of El Paso Infill Development Incentive Policy, as recommended by the Director of Planning and Economic Development Department, with the amended policy being attached hereto as Exhibit "A".

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

Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **APPROVE AS REVISED** a Resolution, with the amendment that except on cases of adaptive reuse, which does not expand the existing building by more than 50%, that Smart Code be required on parcels larger than five acres.

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

NAYS: Representative Holguin

ABSTAIN: Representative Robinson

ABSENT: Representative Acosta

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15D. PLANNING AND ECONOMIC DEVELOPMENT

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **AUTHORIZE** the City Manager to sign a Services Agreement with El Paso Electric to authorize the Company to administer an incentive program for solar programs for residential and commercial properties in El Paso using funding from additional City franchise fees and Palo Verde Performance Reward Funds.

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

NAYS: Representative Holguin

ABSENT: Representative Acosta

Mr. Marty Howell, City Sustainability Manager, presented a PowerPoint presentation, (copy on file in the City Clerk's office).

Mr. Richard Fleager, Sr. Vice President, Customer Case and External Affairs, El Paso Electric Company, commented.

Representatives Byrd, Quintana, Robinson, and O'Rourke commented.

Mr. Richard Schechter, citizen, commented.

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16. CITY MANAGER

1A. Discussion and action directing the City Manager to identify areas and corridors where the Institute of Transportation Engineers (ITE) roadway design standards for walkable urban thoroughfares are applicable and

present to City Council for designation of these areas and corridors as locations where the standards are mandatory for both private and public infrastructure development.

1B. Discussion and action on City of El Paso Transportation Improvement Program (TIP) projects and potential reprogramming of these projects to implement street improvement projects that may arise from designation of areas and corridors where ITE standards are mandated.

1C. Staff Overview on implementing Sustainable Development in El Paso and the Extraterritorial Jurisdiction (ETJ) through Smart Growth principles, design standards, and Title 21 SmartCode zoning.

1D. Discussion and action that the City Manager direct staff to develop and propose recommended changes to the city code and/or city policies and practices for the implementation of Sustainable Development through the following measures:

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **DIRECT** the City Manager to move forward as presented as quickly as possible to direct staff to develop and propose recommended changes to the city code and/or city policies and practices for the implementation of Sustainable Development through the following measures:

- a. Development of zoning overlays for scenic corridors and Bus Rapid Transit (BRT) corridors;
- b. Adoption of special area plans for ASARCO, Transit Oriented Developments (TOD's), Airports and Medical Center of the Americas (MCA)
- c. Mandatory Use of Title 21 SmartCode or Smart Growth principles and design standards in city incentive and grant programs, city policies, and/or city-owned properties (to include properties held by the Public Service Board (PSB));
- d. Administrative costs for new development to match actual cost;
- e. Mandatory Use of Title 21 SmartCode for all or in portion(s) of the City and ETJ;
- f. Amendment of Transfer of Development Rights (TDR) code provisions;
- g. Urban Growth Boundary;
- h. Adoption or incorporation of some or all of the Smart Growth principles and design standards, discussed in the presentation to Council, into city codes; and
- i. Public Education and outreach program on Title 21 SmartCode and/or Smart Growth principles and design standards.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representative Holguin
 ABSENT: Representative Acosta

2ND MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, and carried to **ACCEPT** the recommendations for the City of El Paso Transportation Improvement Program (TIP) projects and potential reprogramming of these projects to implement street improvement projects that may arise from designation of areas and corridors where ITE standards are mandated, with the caveat that the City not support any new projects within the City's limits until existing roadways and sidewalks are completed.

AYES: Representatives Lilly, Byrd, Robinson, Quintana, Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representative Holguin

ABSENT: Representative Acosta

Mr. Ted Marquez, Engineering Division Manager, presented a PowerPoint presentation (copy on file in the City Clerk’s office).

Representatives Lilly, Byrd, Robinson, Quintana, Ortega and O’Rourke commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Daryl Cole, Director of Streets
- 3. Ms. Kathryn Dodson, Director of Economic Development
- 4. Mr. Mathew McElroy, Deputy Director of Planning
- 5. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

Mr. Ray Mancera, citizen, commented.

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ADD1.

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 Location and Access Agreement between the City of El Paso and BASE Productions, Inc., regarding the POLICE POV non-fiction television program, with the parties agreeing that no segment or episode shall be aired or broadcast without the express written consent of the City Manager.

Representatives Lilly, Byrd, Robinson, Quintana, Holguin and Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Charlie McNabb, City Attorney and Mr. John Batoon, Assistant City Attorney, commented.

Police Chief Gregory Allen commented.

Mr. Micky Stern, BASE Productions, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative Robinson, and carried to **APPROVE AS REVISED** the Resolution.

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

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ADD2 REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to execute an Interlocal Agreement by and between the City of El Paso, Texas and the Housing Authority of the City of El Paso, whereby both entities agree to combine their efforts, from time to time, for the purchase of goods and services.

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 2:47 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk