

**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  
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 27, 2007  
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, Jose Alexandro Lozano, Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:36 a.m., Melina Castro at 8:41 a.m., Ann Morgan Lilly at 8:42 a.m., and Eddie Holguin, Jr. at 8:46 a.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. CHRISTMAS TREE LIGHTING DAY**
- 2. BORDER NETWORK ON HUMAN RIGHTS DAY**
- 3. OPERATION SANTA CLAUS DAY**

**RECOGNITIONS**

- 1. STELLA RUIZ**
- 2. AURORA QUINTANA DAY**
- 3. LEE MEZA 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](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. Victor Aguirre**
- 2. Ms. Esther Perez**
- 3. Mr. George Wayne**

Representative Quintana commented.

.....  
Motion made by Representative O'Rourke, 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:

- 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 Lilly, Castro, Quintana, and Holguin

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:01 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

.....  
**EX1.**   Claim of Ramon and Marisela Juarez, Our File No. 07-C-213.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Ramon and Marisela Juarez, Our File No. 07-C-213.

Representative O'Rourke commented.

Mr. Charlie McNabb, City Attorney, and Ms. Jennifer Callan, Assistant City Attorney, gave legal advice.

Mr. Ramon Juarez and Ms. Marisela Juarez, claimants, commented.

- AYES:           Representatives Byrd, Ortega, and O'Rourke
- NAYS:           None
- ABSTAIN:       Representatives Lilly, Lozano, Castro, Quintana, and Holguin

.....  
**EX2.**   Discussion and action regarding strategies and options related to Asarco litigation and TCEQ permit process.

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

Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:51 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss the item.

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

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lozano, and unanimously carried to adjourn the Executive Session at 11:51 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE:   Representative O'Rourke

**NO ACTION**, other than the above procedural motions, was taken on the item.

Motion made by Mayor Pro Tempore Lozano, 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

.....  
**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of November 20, 2007.

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

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

.....  
**3.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Quantum Engineering Consultants, Inc. (QEC), a Texas Corporation, to perform consulting services for a project known as "Coronado Street And Drainage Improvements Phase I" in an amount not to exceed \$62,328.83.

.....  
**4. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **APPROVE** the notation of a \$500 campaign contribution to Representative Rachel Quintana from Delgado, Acosta, Spencer, Linebarger, & Perez, LLP on November 17, 2007, per Ordinance No. 16301, Section 2.92.110 (Disclosure of Campaign Contribution).

.....  
**5. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.**

\*Motion made, seconded, and unanimously carried to **APPROVE** that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend current Contract 2006-050 (Electrical Components & Related Parts) with Main Auto for one additional year pursuant to the provisions to an award approved by City Council on January 17, 2006. Contract period is January 17, 2009, through January 16, 2010.

Department: General Services  
Option: One [of One]  
Total Estimated Amount: \$30,000 (1-year extension)  
Account No.: 37370510 – 45202 - 503125  
Funding Source: General Services, Internal Service Fund

.....  
**6. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **APPROVE, AS REVISED**, the award of Best Value Procurement Solicitation No. 2008-022 (Janitorial Services - Central & Westside Parks Facilities - Rebid) to Total Cleaning Services for a total amount of \$191,830.70.

Department: Parks & Recreation  
 Award to: Total Cleaning Services  
 El Paso, Texas  
 Items: All  
 Annual Estimated Amount: 1<sup>st</sup> Year \$59,184.70  
 2<sup>nd</sup> Year \$63,923.40  
 3<sup>rd</sup> Year \$68,722.60  
 Option: 2 Years  
 Account No.: 51010256 – 01101 - 502206  
 Funding Source: Operating Funds, Maintenance Service Contract-Janitorial  
 Total Estimated Award: \$191,830.70

This is a thirty-six month contract.

The Departments of Financial Services, Purchasing Division, and Parks and Recreation recommend award as indicated to the vendor offering the best value bid.

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

Ms. Joyce Wilson, City Manager, commented.

.....  
**7A. – 7C. INTRODUCTIONS**

Motion made by Representative Ortega, seconded by Representative O'Rourke, 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 granting a franchise to Life Ambulance Service, Inc. to operate a non-emergency ambulance transfer service.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 4, 2007, FOR ITEM 7A**

- B. An Ordinance changing the zoning of Lots 11-14, Block 7, Val Verde, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-1/C (Commercial/ Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- C. An Ordinance changing the zoning of the following real property described as: Parcel 1: Lots 1 and 2, Block B, Pasodale, City of El Paso, El Paso County, Texas, be changed from C-1 (Commercial) to C-3 (Commercial); and Parcel 2: Lot 3, Block B, Pasodale, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-1/C (Commercial/Conditions), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 18, 2007, FOR ITEMS 7B – 7C**  
 .....

8.

**RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2007-012 to ARSA Industries Inc. on September 27, 2006, for Sodium Bicarbonate; and

**WHEREAS**, the City Council terminates said Contract for convenience pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C, Paragraph 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

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

That the Purchasing Manager is authorized to notify ARSA Industries Inc. that the City is terminating Contract No. 2007-012 pursuant to the provisions and requirements of Section C, Paragraph 18A of the Contract Clauses due to convenience and that the termination shall be effective as of November 27, 2007.

Mayor Cook and Representative Holguin commented.

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

.....  
ITEMS TAKEN TOGETHER:

9A.

**ORDINANCE 16777**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00085 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 17-32, BLOCK 43, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2101 MYRTLE AVENUE); BY ALLOWING OFF-SITE/OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS LOTS 6-11 AND 18, AND PORTIONS OF LOTS 5 AND 19, BLOCK 42, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2000 TEXAS AVENUE); PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

9B.

**ORDINANCE 16778**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00086 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 17 - 32, BLOCK 43, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030.C OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

.....  
**9C.**

**ORDINANCE 16779**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-1 (COMMERCIAL); AND PARCEL 2: A PORTION OF TRACT 1A5, SECTION 45, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

.....  
ITEMS TAKEN TOGETHER:

**9D.**

**ORDINANCE 16780**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/C (COMMERCIAL/CONDITION) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

9F.

**ORDINANCE 16782**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 016386 WHICH CHANGED THE ZONING OF A PORTION OF SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Kelly Carpenter, Deputy Director of Planning
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Conrad Conde, representing the applicant, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

.....  
9E.

**ORDINANCE 16781**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 49-59, BLOCK 4, ZACH WHITE INDUSTRIAL DISTRICT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM P-I (PLANNED INDUSTRIAL) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

10.

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

That the City Manager is hereby authorized to submit the attached TIRZ No. 5 Annual Report to the appropriate entities as required by Section 311.016 of the Texas Property Tax Code.

Representatives Quintana, O'Rourke, Byrd, Ortega, and Castro commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Dr. Kathryn Dodson, Director of Economic Development
- 3. Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice.

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

Motion made by Representative Quintana and seconded by Representative Holguin to **POSTPONE** the item for one week. **THE MOTION FAILED.**

AYES: Representatives Lozano, Quintana, and Holguin  
NAYS: Representatives Lilly, Byrd, Castro, Ortega, and O'Rourke

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

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

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

.....

11.

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

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso for the provision of public health services by the City to the County, and related matters, for the period of January 1, 2008 through August 31, 2008.

Mayor Cook and Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Carmen Arrieta-Candelaria, Financial Services Chief Financial Officer, commented.

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

.....

**12. CITY MANAGER**

Presentation by City Manager Joyce Wilson to report on an update on Representative Steve Ortega, Representative Beto O'Rourke, City Manager Joyce Wilson, and Economic Development Director Kathy Dodson's participation in the Creative Economy Conference and an update of their visit, with the addition of Representative Melina Castro, to Arlington, Virginia.

Ms. Joyce Wilson, City Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke, Ortega, Lilly, and Castro commented.

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

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

.....  
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN**  
this meeting at 11:51 a.m.  
.....

**APPROVED AS TO CONTENT:**

---

Richarda Duffy Momsen, City Clerk