

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 28, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor Pro Tempore Presi Ortega, Jr. present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Absent: Mayor John F. Cook requested to be excused. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. CHRISTMAS TREE LIGHTING
2. EL PASO GREEN TEAM

Mayor Pro Tempore Presi Ortega, Jr. recognized the students of Father Yermo High School and Tornillo High School in attendance at the meeting.

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Laura Rodriguez, UTEP student
2. Mr. Hector Quintanilla, UTEP student
3. Mr. Eric Reed and Mr. Ron Dirker, Christian Reform World Relief Committee
4. Mr. Carlos Sanchez
5. Mr. Maurico Olague
6. Mr. Matt Carroll

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
 2. Mr. Larry Nichols, Development Services
 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
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Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:34 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.

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:26 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Castro

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EX1. Rafael Gardon vs. City of El Paso; Cause No. 2003-493 (551.071).

NO ACTION WAS TAKEN on the item.

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EX2. Discussion and action regarding the El Paso Firemen and Policemen's Pension Fund (551.071).

NO ACTION WAS TAKEN on the item.

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EX3. Legal advice regarding the City-County Health District. (551.071)

NO ACTION WAS TAKEN on the item.

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CONSENT AGENDA

Motion made by Representative 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, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

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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 21, 2006, and the Special City Council Meetings of November 20, 2006 (Agenda Review).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of November 28, 2006.

3A.

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

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

That the City Manager be authorized to sign "Supplemental Lease Agreement No. 2, Revised" to Lease No. GS-07B-15258 by and between the City of El Paso ("Lessor") and the United States of America ("Lessee") for clarification of existing terms and conditions regarding the Transportation Security Administration's rental of space in the El Paso International Airport terminal building.

3B.

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

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

WHEREAS, the City of El Paso Department of Community and Human Development (the "Department") has identified areas suffering from objectively determinable signs of deterioration where immediate action is necessary to arrest the deterioration; and

WHEREAS, these areas are within the vicinity of the Community Development Block Grant eligible areas of the Chamizal Park as well as lower Dyer St; and

WHEREAS, interim assistance, in the form of garbage, trash and debris removal pursuant to a neighborhood cleanup campaign and not regular curbside garbage collection is proposed; and

WHEREAS, the Department is working on a plan currently intended to bring about permanent improvements in the area as soon as practical; and

WHEREAS, Council finds that a public benefit exists in removing the blight and public health dangers associated with large accumulations of trash and debris in the areas described herein;

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

1. That the Annual Action Plan (2006-2007) of the Consolidated Plan for 2005-2010 be amended by adding the following activity to the 32nd Year (2006-2007) Community Development Block Grant Program:

Neighborhood Cleanup Campaign in Neighborhood Revitalization Strategy Areas - \$20,000

2. That the funds for this project be transferred from the Community Development Contingency Account No. G7129CD0001.
3. That the Director of the Community and Human Development Department be authorized to take any actions necessary to effectuate such project.

Representatives Castro, Steve Ortega, and Lozano commented.

Ms. Joyce Wilson, City Manager, and Mr. William Lilly, Community and Human Development, commented.

3C.

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

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Federico Fernandez, Jr. to employ Federico Fernandez, Jr. as a PC LAN Specialist III for the El Paso Water Utilities at a biweekly rate of \$1,924.92. The term of the contract shall be for the period of November 29, 2006, through November 28, 2007.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

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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:

WHEREAS, the State of Texas, 75th Legislature, enacted legislation providing for an adjustment to the usual matching fund requirements for Texas Department of Transportation (TXDOT) transportation projects for Economically Disadvantaged Counties; and,

WHEREAS, TXDOT identifies the counties that qualify for Economically Disadvantaged Counties (EDC) status from data obtained from the Texas Comptroller of Public Accounts on an annual basis; and,

WHEREAS, El Paso County has been identified by TXDOT as an Economically Disadvantaged County; and,

WHEREAS, TXDOT requires that the principal elected official for the applicant transportation project of the EDC must submit an Affidavit with each application;

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

The Mayor is hereby authorized to sign affidavits required for the Texas Department of Transportation matching fund adjustment for economically disadvantaged counties for TXDOT Transportation Project applications for 2007 through 2009.

Representative Castro commented.

Mr. Rick Conner, City Engineer, commented.

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3E.

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

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

WHEREAS, on October 3, 2006, the City Council passed a Resolution approving the Facility Rental Policy regarding the El Paso Museum of Art (the "Museum"); and

WHEREAS, the offering of a one-time reduced fee event per City fiscal year to arts agencies that are funded or have been funded during two of the three years preceding the current year, supports groups whose initiatives are specifically tied to the elevation of arts in the community and therefore directly furthers the mission of the Museum; and

WHEREAS, the offering of free rental for space normally rented for events, as well as free security, audio-visual equipment/operator, and Museum staff fees for events held by the El Paso Museum of Art Foundation for the sole purpose of supporting and promoting exhibits and special Museum events, fundraising or presenting educational programs benefiting the Museum, directly furthers the mission of the Museum; and

WHEREAS, El Paso Museum of Art Foundation events shall not displace paying customer events; and

WHEREAS, the Museum shares a public mission with other non-profit entities to provide education programs not otherwise offered by for-profit businesses, so that a twenty percent (20%) rental fee reduction for non-profit entities that do not qualify under the preceding two recitals, for those agencies that provide unique and specialized education and public service programs to the community, furthers the spirit of the mission of the Museum; and

WHEREAS, the rental agreements between the Museum and individuals or entities desiring to rent Museum space and facilities will be in substantial conformity with the Special Events Use Agreement form attached hereto as Exhibit "A".

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

THAT the City Council finds that the fee reductions described hereinabove and in the El Paso Museum of Art Facility Rental Policy dated October 3, 2006, constitute an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to utilize City resources and provide services in order to directly support the mission of the El Paso Museum of Art and advance the spirit of the public education and public service program aspect of the mission of the El Paso Museum of Art.

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4A. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that Michele C. Daly be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective December 4, 2006, at a salary of \$77,000.00 per annum plus benefits.

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4B. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried that William L. Lilly be **APPOINTED** Community and Human Development Interim Director effective November 28, 2006, at an annual salary of 93,500.00.

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5. BID

*Motion made, seconded, and unanimously carried to **POSTPONE** for one week Bid Solicitation No. 2006-199, Vocational Trucks (Dump Trucks and Rolloff Trucks), to Border International Trucks for a total award of \$465,670.00.

Department: General Services/Fleet Division
Award to: Border International Trucks
El Paso, Texas
Item(s): 1A (Dump Truck) - Qty. 2 @ \$104,525.00/each
2A (Rolloff Truck) - Qty. 2 @ \$128,310.00/each

Option: Vendor offers options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days and/or one hundred eighty (180) days from the date of award of the contract.

Account No.: 508006-27507-37150068-PFLESVC01

Funding Source: Equipment Replacement Fund

Total Award: \$465,670.00

This is a fixed-price, single (one-time) purchase.

No prompt payment discount was offered.

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

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6. BUDGET TRANSFER

*Motion made, seconded, and unanimously carried to **APPROVE** Budget Transfer BT2007-330, Non-Departmental.

Budget Transfer will allocate funds in the City Clerk's budget to fund the Interpreter and Translation Services for the City Council meetings.

Decrease \$35,600 from Contingency
 Increase \$35,600 to Outside Contracts

Representatives Castro, Steve Ortega, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Richarda Duffy-Momsen, City Clerk, commented.

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7. DEVELOPMENT AND INFRASTRUCTURE SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding Council Ratification of the Storm 2006 professional services contracts listed on the attachment posted with the agenda. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

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8A. – 8F. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Steve Ortega, 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 changing the zoning of Parcel 1: a portion of Lots 14-26, Block 4, Hughes Subdivision, City of El Paso, El Paso County, Texas, from R-5 (Residential) to M-2 (Manufacturing); and Parcel 2: Lots 9-12, and a portion of Lot 13, Block 4, Hughes Subdivision of Block 2, Alameda Acres, City of El Paso, El Paso County, Texas, from R-5 (Residential) to M-2 (Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Parcel 1: 5713 – 5717 Welch Avenue; and Parcel 2: 218 Glenwood Drive. Applicant: George Valenzuela. ZON06-00097 (**District 3**). **THIS IS AN APPEAL CASE.** [Development Services/Planning, Stephen Schlett, (915) 541-4935]

- B. An Ordinance changing the zoning of Lots 15 and 16, Block 86, Franklin Heights, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1207 Arizona Avenue. Applicants: Roberto & Ludivina Ramirez. ZON06-00115 **(District 8)** [Development Services/Planning, Stephen Schlett, (915) 541-4935]
- C. An Ordinance changing the zoning of Parcel 1: a portion of Tract 1A3, Section 38, Block 79, Township 2, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-2 (Commercial); and Parcel 2: a portion of Tract 1A, Section 38, Block 79, Township 2, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial) The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 9742 North Loop Road. Applicant: Camino Real Properties I, Limited. ZON06-00122 **(District 5)** [Development Services/Planning, Stephen Schlett, (915) 541-4935]
- D. An Ordinance changing the zoning of the West 76 feet of Tract 16, all of Tract 17 and 1/2 of the adjacent closed Maryland Road of Griems Subdivision of Block B of the Collingsworth Subdivision, an addition to the City of El Paso, El Paso County, Texas, from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 6001 Griems Court. Applicant: Ruben and Carmen Perea. ZON06-00103 **(District 3) THIS IS AN APPEAL CASE.** [Development Services/Planning, Esther Guerrero, (915) 541-4720]
- E. An Ordinance changing the zoning of Lots 25 and 26, Block 2, Val Verde Addition, El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Alberta and West of Concepcion. Applicant: Paul Enriquez, Fernando Enriquez, Linda Carrasco. ZON06-00116 **(District 3)** [Development Services/Planning, Arlan Greer, (915) 541-4723]
- F. An Ordinance changing the zoning of Tract 11B, Block 9, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Ada Lane and West of Valley. Applicant: Enrique Escobar. ZON06-00125 **(District 1)** [Development Services/Planning, Arlan Greer, (915) 541-4723]

Mr. Ray Gilbert, citizen, commented.

PUBLIC HEARING WILL BE HELD ON DECEMBER 19, 2006, FOR ITEMS A – F

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9A.

ORDINANCE 16510

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF LOTS 2, 3, AND 4, BLOCK 8, ROCKET WAREHOUSE PARK UNIT TWO; A PORTION OF LOT 1, BLOCK 1, ROCKET WAREHOUSE PARK UNIT THREE; AND A PORTION OF TRACTS 1D1 AND 7C, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS; FROM C-4 (COMMERCIAL) TO PR-1 (PLANNED RESIDENTIAL 1); AND PARCEL 2: A PORTION OF TRACTS 1D1 AND 7C, SECTION 31, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, FROM C-4 (COMMERCIAL) TO A-M (APARTMENT AND MOBILE HOME PARK). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

Representatives Castro, Steve Ortega, and Byrd commented.

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9B. PUBLIC HEARING - DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for three weeks an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to delete the proposed Camelot Heights Drive as a minor arterial between Stanton Street and Mesa Drive.

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9C. PUBLIC HEARING - DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for three weeks an Ordinance changing the zoning of Tract 3-G, Block 2, and a portion of Tract 19A, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

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9D. ORDINANCE 16511

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 29-32, BLOCK 16, DEL NORTE ACRES, EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9E. ORDINANCE 16512

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 18, BLOCK 26, REGAL CREST UNIT 5, REPLAT A, EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE. SUBJECT PROPERTY: NORTH OF THORN AVENUE AND WEST OF BISHOP FLORES DRIVE.**

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

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9F.

ORDINANCE 16513

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00118 TO SATISFY PARKING REQUIREMENTS FOR PARCEL I, DESCRIBED AS LOT 20, BLOCK 8, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS; BY ALLOWING OFF-SITE, OFF-STREET PARKING ON PARCEL II, DESCRIBED AS LOT 10 AND THE EAST 11.75 FEET OF LOT 9 AND THE WEST 1/2 OF LOT 11, BLOCK 16, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS, (2229 YANDELL DRIVE) AND PARCEL III, DESCRIBED AS THE SOUTH PORTION OF LOTS 21-25, BLOCK 8, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS, (2216 YANDELL DRIVE) PURSUANT TO SECTION 20.42.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

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

Representative Castro commented.

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9G.

ORDINANCE 16514

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00117 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 20, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.42.040 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

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

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9H. PUBLIC HEARING - DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks an Ordinance vacating all of the 20-foot wide alley within Block 54, Kern Place Addition, City of El Paso, El Paso County, Texas.

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9I.

ORDINANCE 16515

The City Clerk read an Ordinance entitled: An Ordinance amending Title 2 (Administration and Personnel) of the City Code of El Paso, Chapter 2.38 (Building and Standards Commission), Section 2.38.030 (Membership and Terms), Subsection C to delete the date of commencement of terms.

Representative Byrd commented.

Mr. Larry Nichols, Development Services, commented.

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

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

Whereupon the Alternate Mayor Pro Tempore 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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9J.

ORDINANCE 16516

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.16, ZONING BOARD OF ADJUSTMENT, SECTION 2.16.050, SPECIAL EXCEPTIONS, OF THE EL PASO CITY CODE TO AMEND CERTAIN SPECIAL EXCEPTIONS AS TO SPACE, YARDS AND SETBACKS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Ms. Linda Castle, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Byrd and Steve Ortega commented.

Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

1ST MOTION

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Alternate Mayor Pro Tempore 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, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representative Castro

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

2ND MOTION

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **RECONDISER** the item.

3RD AND FINAL MOTION

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

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

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

10. PUBLIC HEARING – COMMUNITY DEVELOPMENT

Motion made by Representative Lilly, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** for two weeks an Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code by amending Chapter 2.102 (Neighborhood Association Recognition) in its entirety.

- NOT PRESENT FOR THE VOTE: Representative Lozano

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Mr. William Lilly, Community and Human Development

Mr. H.W. "Bill" Sparks, citizen, commented.

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11A.

ORDINANCE 16517

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII--RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO CITY CODE, TO ADD ZONE L: NO PARKING ANYTIME, ON SIXTH AVENUE BETWEEN MESA STREET AND THE ALLEY EAST OF MESA STREET THEREOF, NORTH SIDE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION--PENALTY) OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Rick Conner, City Engineer, commented.

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

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

Whereupon the Alternate Mayor Pro Tempore 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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11B.

ORDINANCE 16518

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.040 (CONSTRUCTION OF SIDEWALKS ON ORDER OF CITY), OF THE EL PASO CITY CODE, TO DELETE THE ENTIRE SECTION.**

Representatives Steve Ortega, Lilly, and Byrd commented.

Ms. Joyce Wilson, City Manager, and Mr. Rick Conner, City Engineer, commented.

Mr. Matt Carroll, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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

Whereupon the Alternate Mayor Pro Tempore 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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12A. DEVELOPMENT SERVICES

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried to **APPROVE, BASED ON A FINDING OF PUBLIC BENEFIT**, a Conditional B permit for Sandstone Ranch Unit 1 Subdivision.

Representative Steve Ortega commented.

Mr. Larry Nichols, Development Services, commented.

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12B. DEVELOPMENT SERVICES

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE, BASED ON A FINDING OF PUBLIC BENEFIT**, a Conditional B permit for Sombras Del Sol Unit 4 Subdivision.

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13. ENGINEERING

Discussion and action to direct the staff to proceed with the Zaragosa Overpass Project.

Ms. Teresa Quezada, Engineering Department, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Ted Marquez, Engineering Department
3. Mr. Rick Conner, City Engineer
4. Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure Services

Mr. Jerald Thiedt, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Lozano, and carried to **APPROVE** the item.

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

NAYS: None
ABSTAIN: Representative Lilly (affidavit to recuse on file in City Clerk's Office)
NOT PRESENT FOR THE VOTE: Representative Castro

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14. FINANCIAL SERVICES – BEST VALUE PROCUREMENT

Motion made by Representative O'Rourke, seconded by Representative Lozano, and unanimously carried to **AWARD** Solicitation No. 2006-179 for Rawlings Dental Health Clinic Project to CPME, L.L.C., of El Paso, Texas for a total estimated amount of \$786,068.00.

Departments: City/County Health
Award to: CPME, L.L.C.
El Paso, Texas
Items: Base Bid I: \$786,068.00
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: \$ 786,068.00

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

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15. MUSEUMS AND CULTURAL AFFAIRS

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks the discussion and action on a Resolution that the Year 2007 Public Art Plan for the City of El Paso, Texas, be officially adopted, as is on file with the Office of the City Clerk, and incorporated herein for all intents and purposes. **(All Districts)**
[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896] **POSTPONED FROM 11-14-06**

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Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:07 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk