

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, 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
DECEMBER 2, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin, Jr. at 8:54 a.m. during Executive Session deliberations; Melina Castro requested to be excused from the Executive Session and arrived at 9:05 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. CHRISTMAS TREE LIGHTING CEREMONY AND HOLIDAY LIGHT PARADE**
- 2. OPERATION SANTA CLAUS DAY**
- 3. YOUTH FOR HUMAN RIGHTS WEEK**

RECOGNITIONS

- 1. RED KETTLE RING-OFF**
- 2. DR. LEA R. HUTCHINSON, EL PASO ZOO DIRECTOR EMERITUS**

Mr. Ray Gilbert, citizen, commented.

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 member of the public commented:

The following members of the public commented:

- 1. Mr. Ray Gilbert**

Representative Holguin commented.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:40 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 Castro and Holguin

Motion made by Representative Castro, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:05 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Byrd, Acosta, Quintana, and Holguin

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EX1. Discussion and action relative to City Manager's Annual Performance Review. (551.074)

Mayor Cook and Representative Ortega commented.

Mr. Ray Gilbert, citizen, commented.

NO ACTION was taken on the item.

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CONSENT AGENDA

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

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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 18, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

***RESOLUTION**

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Boeing/Skypark II Ltd. ("Assignor") and Ministerios Nuevo Amanacer, Inc. ("Assignee") for the following described property:

A portion of Lots 7 and 8, Block 5, El Paso International Airport Tracts, Replat "A", City of El Paso, El Paso County, Texas.

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3B.

***RESOLUTION**

That the City Manager be authorized to sign a Letter of Agreement between the City of El Paso, on behalf of the El Paso International Airport, and Headquarters Air Education and Training Command for the provision of secure ramp space for aircraft servicing and overnight parking as needed.

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3C.

***RESOLUTION**

WHEREAS, on June 10, 2008, the City of El Paso awarded Bid No. 2008-185 to Tirayan Construction ["Contractor"] for the construction of a project known as the Cedar Grove Sidewalks Improvements in the amount of \$92,088.00 to be performed within forty consecutive workdays from the date of the notice to proceed.

WHEREAS, on July 16, 2008, the city issued a Notice to Proceed to Contractor; and

WHEREAS, on September 26, 2008, a Certificate of Substantial Completion was issued for the project and a list of items to be completed or corrected ["incomplete work"] was attached thereto and provided to Contractor

WHEREAS, Contractor has failed to respond to phone calls, email, or written communication requesting completion of the work; and

WHEREAS, on October 17, 2008, the City of El Paso sent a certified letter to Contractor giving Contractor notice of the City's intent to terminate the contract for default if within ten days, Contractor did not make satisfactory arrangements to correct the items on the above mentioned list of incomplete work; and

WHEREAS, Contractor has failed to respond to the October 17, 2008 notice; and

WHEREAS, Contractor has failed to complete or correct the items on the list of incomplete work; and

WHEREAS, pursuant to the contract between the City of El Paso and Contractor, General Conditions 6.9, Right of Owner to Terminate the Contract, the city has the right to terminate the contract in the event of default by the contractor and a failure to cure such default after the Contractor receives notice thereof.

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

1. The City Engineer shall notify Tirayan Construction and its surety, Western Surety Company, that the City of El Paso is terminating Bid No. 2008-185 to Tirayan for the construction of a project known as Cedar Grove Sidewalks Improvements, pursuant to General Conditions 6.9, Right of Owner to Terminate the Contract, due to the default by Tirayan and that the termination shall become effective immediately upon service of the notice of termination upon Tirayan and Western Surety Company.

2. The City Engineer shall file a claim with Western Surety Company based on the default of Tirayan Construction and make demand that the surety perform the remainder of the work of the Cedar Grove Sidewalks Improvements project in accordance with the terms and conditions of Bid No. 2008-185.

3. The City Manager is authorized to sign any take-over agreements or related documents upon approval by the City Attorney's Office and the City Engineer and to take any actions necessary to accomplish the intent of this Resolution.

Representatives Acosta and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Sam Rodriguez, Engineering Division Manager
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 4. Mr. Alan Shubert, City Engineer

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3D.

***RESOLUTION**

That the City Manager be authorized to sign a 180-day License Agreement with the El Paso County Water Improvement District No. 1 for use of District facilities for conveyance of dewatering activities necessary for construction of pipeline, sewer lines, buildings or other facilities not owned by the District into one or more of the District's drainage canals or other facilities. The City Manager is also authorized to sign amendments to the License Agreement extending the time of the License up to an additional 180 days.

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3E.

***RESOLUTION**

That the City expend additional available funding in the amount of \$60,909.80) to Vistacon, Inc. to fund additional labor and materials for Contract Number 2008-056, EPIA Terminal Modifications and Additional Public Concessions.

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3F.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Carlos R. Castillo and Luciana Castillo, also known as Luciana Cruz Provencio, for the purchase of

Lot 12, Block 3, Valle De San Miguel Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 53, Page 1, Real Property Records, also known as 8532 San Miguel Drive, El Paso, Texas,

for the purchase price of \$73,618.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Doug Hamilton to the Airport Board by Representative Ann Morgan Lilly, District 1.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Frederick J. Shuford to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the appointment of Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Miguel Fernandez to the City Plan Commission by Representative Susie Byrd, District 2.

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Eduardo Castorena to the Tax Increment Reinvestment Zone Number 5 by Mayor John F. Cook.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Angelica Quintanilla to the Committee on Border Relations by Mayor John F. Cook.

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6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Advanced Security Contractors, the sole certified dealer and repair center for i3DVR, a closed circuit TV system, in order to purchase standardized equipment to enhance security for railroad tunnels which is an expansion of the existing system.

Department: Police Department
Account No.: 21150010 – 508007 – 05408 – G210810
Funding Source: Federal Police Grant, Buffer Zone Grant, Public Safety
Equipment
Total Estimated Award: \$161,581.01
Sole Source No.: 2009-067

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6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to INX, Inc., in the amount of \$140,863.15. INX, Inc. is a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-

239 for Catalyst 6500 Series and Cisco Upgrades. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351 – 508010 – 01101
Funding Source: Information Services, Data Processing Equipment
Total Estimated Award: \$140,863.15
Reference No.: 2009-068

Mayor Cook and Representative Byrd commented.

Mr. Ray Gilbert, citizen, commented.

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6C. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to CheckPoint Services, Inc., for Environmental Services computer hardware servers and server storage expansion needed for the Accela Automation Project under the Texas Department of Information Resources (DIR) Contract No. DIR-SDD-192 for Dell Computers and third party peripherals in the amount of \$105,551.81. The participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Environmental Services
Account No.: 34010289 – 508010 – 40403
Funding Source: Environmental Services
Total Amount: \$105,551.81
Reference No.: 2009-071

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

Mr. Terrance Freiburg, Purchasing Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Mr. Ray Gilbert, citizen, commented.

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7A. – 7E. INTRODUCTIONS

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

NOT PRESENT FOR THE VOTE: Representative Castro

- 7A.** An Ordinance granting a special privilege to The El Paso Project, LLC permitting two accessibility ramps with stairs, a wall, and a portion of the structure to encroach onto portions of public rights-of-way adjacent to the property located at 300 South Florence Street.
- 7B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.030 (Proximity to Curb) of the El Paso City Code by adding parking requirements for motorcycles. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code.

- 7C. An Ordinance amending Title 7 (Animals), by adding Chapter 7.30 (Animal Welfare Advisory Committee); and sections thereunder to establish the Animal Welfare Advisory Committee.
- 7D. An Ordinance amending Title 7 (Animals), by adding Chapter 7.28 (Animal Shelter Advisory Committee); and sections thereunder to establish the City of El Paso Animal Shelter Advisory Committee.

PUBLIC HEARING WILL BE HELD ON DECEMBER 9, 2008, FOR ITEMS 7A – 7D

- 7E. An Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 23, 2008, FOR ITEM 7E

8A.

ORDINANCE 17028

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF A REPLAT OF YSLETA INDUSTRIAL DISTRICT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM M-1 (MANUFACTURING) TO C-1 (COMMERCIAL). 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 Holguin, seconded by Representative Quintana, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

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:

8B.

ORDINANCE 17029

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1 (COMMERCIAL) TO R-4 (RESIDENTIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

8C.

ORDINANCE 17030

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS ON PROPERTY BY ORDINANCE NO. 009146 WHICH CHANGED THE ZONING OF A PORTION OF LOT 11, BLOCK 5, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mayor Cook and Representative Quintana commented.

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

Motion duly made by Representative Quintana, 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, Acosta, 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**.

9A.

ORDINANCE 17031

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 SCHEDULE XII (RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), ZONE Q (NO PARKING 7:00 A.M. TO 4:00 P.M., SCHOOL DAYS ONLY) OF THE EL PASO CITY CODE BY ADDING MILAN STREET FROM QUAIL AVENUE TO NAPLES AVENUE, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Castro commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, 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**.

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9B.

ORDINANCE 17032

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 SCHEDULE III (PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE BY DELETING NUMBER 157 LEE STREET BETWEEN MAGOFFIN AVENUE AND OLIVE AVENUE, WEST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) 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, Acosta, 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**.

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10A.

ORDINANCE 17033

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY DESCRIBED AS A PORTION OF LOT 9 ON THE SOUTHWEST AND ADJACENT TO YSLETA LATERAL, PICNIC GROVE, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO G.W.M. INVESTMENTS II, L.P., IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

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

AYES: Representatives Lilly, Byrd, Acosta, 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, AS REVISED**.

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10B.

ORDINANCE 17034

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST IN REAL PROPERTY LOCATED AT 404 NINO AGUILERA TO CENTRO DE SALUD FAMILIAR LA FE, INC., IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.**

Mayor Cook and Representative Ortega commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN: Representative O'Rourke

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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11.

RESOLUTION

WHEREAS, on August 29, 2008 the "Big City Mayors" group met in Forth Worth for its quarterly meeting. Of the eight members in attendance on August 29th, were the mayors of Arlington, Dallas, Fort Worth, Houston, and El Paso. Absent were the Mayors of Austin, San Antonio and Corpus Christi although they were represented by staff; and

WHEREAS, homelessness is an issue which impacts cities throughout Texas as evidenced by the fact that on a single day in January 2007, 44,492 homeless Texans were counted and it is estimated that 247,500 Texans become homeless each year; and

WHEREAS, in discussing a potential legislative agenda for the Big City Mayors, one vitally important issue that was discussed was the issue of homelessness; and

WHEREAS, specifically, there are two matters of concern:

1. Creation of strategic partnerships with the Texas Department of Criminal Justice to better link the re-entry population from Texas custody, and the operational and service subsidies that come with them, to supportive housing projects; and
2. Seeking from the Texas Department of Criminal Justice or Department of Public Safety the pre-release issuance of a Texas ID Certificate for everyone discharged from a Texas jail or prison; and

WHEREAS, HillCo Partners, a government affairs consulting firm in Austin, Texas, has expressed a willingness to work with the Big City Mayors, on a pro-bono basis, in addressing the two homelessness issues outlined above; and

WHEREAS, certain members of the "Big City Mayors" group have elected to join forces to address these two issues, and in doing so, wish to enlist the services of HillCo Partners to assist with the successful implementation of measures which will effectively address these issues.

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

THAT the City of El Paso, Texas, as member of the Big City Mayors consortium, does hereby adopt as a part of its legislative program for 2009 and will support the following two initiatives:

1. Creation of strategic partnerships with the Texas Department of Criminal Justice to better link the re-entry population from Texas custody, and the operational and service subsidies that come with them, to supportive housing projects; and
2. Seeking from the Texas Department of Criminal Justice or Department of Public Safety the pre-release issuance of a Texas ID Certificate for everyone discharged from a Texas jail or prison; and

THAT the City of El Paso, Texas does hereby specifically agree and consent to the firm of HillCo Partners of Austin, Texas representing them in addressing these two issues during the 2009 legislative session on a pro-bono basis; and

THAT the City of El Paso, Texas will, in support of the efforts of HillCo Partners, provide additional council resolutions, correspondence from appropriate municipal officials or testimony, either written or oral, at such time as requested to do so by HillCo Partners.

Mayor Cook and Representatives Acosta and Byrd commented.

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

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

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12. DEVELOPMENT SERVICES

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **APPROVE** a Conditional B permit for Education Heights Subdivision based on a finding of public benefit.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Victor Torres, Director of Development Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Mr. Alan Shubert, City Engineer

Mr. David Cordova, Project Manager for El Paso Independent School District, commented.

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13. ENGINEERING

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item on discussion and action on Tierra Commercial Unit 5 Subdivision Plat proportionality appeal submitted by River Oaks Properties, Ltd and Ranchos Real XII, Ltd under Section 19.46 of the El Paso City Code.

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ITEMS TAKEN TOGETHER:

14.1 – 14.9

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

Mayor Cook and Representatives Byrd, Acosta, O'Rourke, Holguin, Ortega, Castro, Quintana, 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. Ms. Terry Quezada, Capital Improvement Program Administrator
4. Mr. William Studer, Deputy City Manager of Financial Services
5. Ms. Lynly Leeper, Sun Metro Assistant Director for Development
6. Mr. David Almonte, Director of Office of Management and Budget
7. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Mr. Ray Gilbert and Ms. Lisa Turner, citizens, commented.

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Turner an additional two minutes to address the Council.

14.1 – 14.3 CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on Capital Improvement Program including:

1. 2009 Debt Issuance
2. Storm 2006 Project Update
3. Sun Metro Capital Projects Update

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

14.4

RESOLUTION

WHEREAS, the Staff has prepared a list of proposed projects to be undertaken in 2009 for which the City would need to issue long term debt; and

WHEREAS, the City Council considered this list, referenced as "Option B," during its retreat and special City Council meeting held on November 5, 2008; and

WHEREAS, the Council voiced approval of the list as the Council's 2009 Debt Issuance Critical Priorities and asked the City Manager to bring further consideration of this matter back to the City Council for additional action.

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

That the City Council affirms that the list of projects totaling \$73,128,137, attached hereto as Exhibit A, shall be the established list of Capital Improvement Program projects for 2009, and that the City Manager be authorized to establish the funding sources for these projects and make all necessary budget transfers at the appropriate times.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to send the unfunded Storm 2006 projects (Government Hills Outfall Project and Dallas Outfall Project) back to the Public Service Board.
THE MOTION FAILED.

AYES: Representatives Acosta, Castro, Quintana, and Holguin
NAYS: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

Mayor Cook broke the tie, voting nay.

3RD MOTION

Motion made by Representative Quintana to approve local matches. **The MOTION DIED FOR LACK OF A SECOND.**

4TH MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, to direct staff to prepare an Ordinance calling for a bond election on the Capital Improvement Projects for the May uniform election **THE MOTION FAILED.**

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

5TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and carried to **APPROVE** funding for the Downtown Transfer Site as shown on Exhibit A.

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

6TH MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** funding for the Glory Road Transfer Terminal.

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

7TH MOTION

Motion made by Representative Ortega, seconded by Representative Acosta, and carried to **APPROVE** funding for the Mission Valley Transit Terminal.

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

8TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and carried to **APPROVE** the funding for the Westside Transit Terminal.

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

9TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **APPROVE** the funding for Oregon – Smart 101.

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

NAYS: Representatives Castro, Quintana, and Holguin

10TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, to approve the funding for the Northgate Transfer Terminal. **THE MOTION FAILED.**

AYES: Representatives Lilly, Byrd, and Acosta

NAYS: Representatives Castro, Quintana, Holguin, Ortega, and O'Rourke

11TH MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **RECONSIDER** the item on the Northgate Transfer Terminal.

12TH MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the funding for the Northgate Transfer Terminal.

AYES: Mayor Cook and Representatives Lilly, Byrd, Acosta, and O'Rourke

NAYS: Representatives Castro, Quintana, Holguin, and Ortega

Mayor Cook broke the tie, voting aye.

13TH MOTION

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the funding for the Administrative Building and LNG.

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

NAYS: Representatives Castro, Quintana, and Holguin

14TH MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and carried to **APPROVE** the funding for the ADA Curb Cuts and Shelters.

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

NAYS: Representatives Castro and Holguin

15TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPROVE** the funding for the Storm 2006 Priority II Projects.

AYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

16TH MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPROVE** the funding for the COEP funding for Planning & Design for Montana and Dyer.

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

NAYS: Representatives Castro, Quintana, and Holguin

17TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPROVE** the funding commitments for local match for Airway, Hawkins, Alameda, and other projects.

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

NAYS: Representatives Castro, Quintana, and Holguin

18TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the funding for TxDOT Roadway Projects.

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

NAYS: Representatives Castro, Quintana, and Holguin

19TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried to **APPROVE** the 2% Public Art funding.

AYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

20TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the funding for Sun Metro Bus Acquisition.

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

NAYS: Representatives Castro, Quintana, and Holguin

21ST MOTION

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the funding for the General Fund Fleet Replacement.

AYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

14.5

RESOLUTION

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Moreno Cardenas, Inc., for a project known as "Northeast Channel No. 2, Phase 1 Improvements" for an amount not to exceed \$469,841.80 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$519,841.80.

22ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Castro, and unanimously carried to **APPROVE** the Resolution.

14.6

Discussion and action that the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Quantum Engineering Consultants Incorporated for a project known as "Saipan-Ledo Park/Pond" for an amount not to exceed \$404,049.90 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$454,049.90.

23RD MOTION

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **POSTPONE** the item for two weeks with revised funding information.

14.7

RESOLUTION

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and Jacobs Engineering Group, Inc., for a project known as "Transit Planning Services: Alternatives Analysis Development" for an amount not to exceed \$980,951 and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed \$1,030,951.

24TH MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried to **APPROVE** the Resolution with revisions to the funding.

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

NAYS: Representatives Castro, Quintana, and Holguin

14.8

RESOLUTION

That the City Manager be authorized to sign the Agreement for Engineering Services by and between the City of El Paso and CEA Group, Inc., for a project known as "Oregon Street Rehabilitation" for an amount not to exceed \$378,240.39 and that the City Engineer be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$428,240.39.

25TH MOTION

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

14.9

RESOLUTION

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation. The scope of work for the Agreement is the extension of Airway Blvd from Gateway East to Market.

26TH MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution with revisions to the funding.

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

NAYS: Representatives Castro and Holguin

27TH MOTION

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

28TH AND FINAL MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution with revisions to the funding.

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

NAYS: Representatives Castro, Quintana, and Holguin

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Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 1:18 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk