

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
DECEMBER 19, 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 John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, and Presi Ortega, Jr. Late arrivals during Executive Session deliberations: Beto O'Rourke at 8:35 a.m., Steve Ortega at 8:36 a.m., Eddie Holguin, Jr. at 8:39 a.m., and Ann Morgan Lilly at 9:03 a.m. Early departures: Presi Ortega, Jr. at 12:29 p.m. and Jose Alexandro Lozano at 1:06 p.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America led by Mr. Manual Padilla and family.

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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. Donna Peters
2. Mr. Busto Rivera
3. Mr. Manuel Padilla
4. Mr. Pete Hollen
5. Mr. Jose Maria Fernandez Sigala

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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Motion made by Representative Lozano, seconded by Representative Byrd, 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, Holguin, Steve Ortega, and O'Rourke

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:13 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Holguin, Steve Ortega, and O'Rourke

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EX1. Discussion and action on the Planning and Project Management Services Agreement between the City of El Paso and Perspectiva + 3D/International. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and carried that the City Manager continue to **NEGOTIATE** with Perspectiva + 3D/International to resolve any contractual disputes related to Planning and Project Management Services Agreement.

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

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EX2. Discussion and action on possible purchase, exchange, lease, or value of Civic Center Plaza complex property. (551.071 and 551.072).

Mayor Cook commented.

Mr. Richard Schecter, citizen, commented.

NO ACTION WAS TAKEN on the item.

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EX3. Discussion and action on matters related to AB Fall Mansion. (551.071).

Mayor Cook and Representative O'Rourke commented.

Mr. Charlie McNabb, City Attorney, and Ms. Laura Gordon, Deputy City Attorney, gave legal advice.

Mr. Richard Schecter, citizen, commented.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, 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 Meetings of December 12, 2006, and the Special City Council Meetings of December 7, 2006 (Joint City

Council/City Plan Commission), December 8, 2006 (Joint City Council/Public Service Board), and December 11, 2006 (Agenda Review).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the above item.
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3A.

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

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

WHEREAS, in accordance with Section 18.50 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 30th day of April, 1996, after due notice and hearing, ordered ALFREDO AVILA, record Owner of the hereinafter described property that the Buildings be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

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

1. That the City Council determines the actual cost of securing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Tract 11P, Block 37, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas; municipally known and numbered as 8856 Leopoldo Street, El Paso, Texas,

to be \$524.43, performed by the Street Department of the City of El Paso, and \$727.35, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$1,251.78. The City Council finds that the work was completed on the 14th day of November, 2006, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of ONE THOUSAND TWO HUNDRED FIFTY-ONE AND 78/100 DOLLARS (\$1,251.78) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.
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3B.

***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 approve a change order decreasing the quantity of work to be performed under the Planning and Project Management Services Agreement between the City of El Paso and Perpectiva +3D/International by removing from the Agreement, performance of the following management services: the construction and warranty phases of the Zoo Entry Project, the construction and warranty phases the Reptile & Biome Buildings Project, the construction and warranty phases of the Africa Expansion Project, the warranty phase of the Parking Lot Project and removal of the design, procurement, construction and warranty phases of the New Soccer Facility Project. The total amount of compensation under the contract will be reduced by \$249,500.

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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 exercises the option to extend the existing one year Agreement for Geotechnical and Testing Laboratory Services on an as needed basis by and between the City of El Paso and Amec Earth & Environmental, Inc., for one additional one (1) year period.

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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 exercises the option to extend the existing one year Agreement for Geotechnical and Testing Laboratory Services on an as needed basis by and between the City of El Paso and Licon Engineering Co., Inc, for one additional one (1) year period.

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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:

That the City exercises the option to extend the existing one year Agreement for Geotechnical and Testing Laboratory Services on an as needed basis by and between the City of El Paso and Raba-Kistner (SW), Inc, for one additional one (1) year period.

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3F.

***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 terminate the contract between the City and Bain Construction for a project known as Rocky Bluff Drainage Improvements Re-Bid, Contract No. 2005-186 under the provisions of Section 6.9, Right of Owner to Terminate Contract.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

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3G.

***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 March 12, 1991, the City of El Paso (City) accepted the terms and conditions of Minute Order No. 91219 as it related to the relocation and designation of a portion of state Highway Loop 375 to a new location from State Highway 20, approximately 0.47 miles north of Borderland Road to State Highway 375, approximately 0.13 miles west of Interstate Highway 10, a distance of approximately 1.2 miles; and,

WHEREAS, the relocation was necessary because the expansion of State Highway Loop 375 as originally proposed was too difficult and costly due to the narrow right of way and extensive existing development; and,

WHEREAS, Minute Order No. 91219 designated the responsibilities of both the State and the City, specifically that the State provide ninety percent of the cost of eligible utility adjustments, designate the section as a State Highway Loop, and provide for relocation assistance; while the City was responsible for one hundred percent of the right of way clear of obstructions and ten percent of the cost eligible utility adjustments, and was responsible to maintain that section in accordance with any existing maintenance agreements; and,

WHEREAS, the Texas Transportation Department (TXDOT) wants Minute Order No. 91219 to be voided and a new Minute Order be approved which will provide alternative funding for the right of way acquisitions in order to accelerate the new roadway construction: and,

WHEREAS, the new Minute Order would reduce the City's financial responsibility from a hundred percent match to a twenty percent match of Right of Way and eligible utility adjustment costs; and,

WHEREAS, the new Minute Order would return Talbot Road to the City' jurisdiction with maintenance in accordance with existing maintenance agreements; and,

WHEREAS, the Texas Transportation Department (TXDOT) requested that the City provide a resolution in support of voiding Minute Order No. 91219,

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

That the City of El Paso supports voiding Minute Order No. 91219 for the purposes of having the State adopt a new Minute Order which would reduce the City's financial responsibility from a hundred percent match to a twenty percent match of Right of Way and eligible utility adjustment costs and accelerate the new roadway construction. The new Minute Order would be subject to any appropriate agreements being prepared between the City of El Paso and TXDOT.

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3H.

***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 Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the construction of asphalt bicycle paths, with signage and striping on various City streets. The amount of the City's contribution to the project is \$238,588.00.

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3I.

***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 expend additional available funding in the amount of \$55,573.00 to add a delayed alarm operation hardware for Contract Number 2004-013, Cleveland Square Project – Main Library.

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3J.

***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 Lea R. Hutchinson to employ Lea R. Hutchinson as a Zoo Projects Consultant for the El Paso Zoo at a biweekly rate of \$2,750.00 for twenty-five (25) hours per week. The term of the contract shall be for the period of December 31, 2006, through December 30, 2008.

Mayor Cook commented.

Mr. Richard Schechter, citizen, commented.

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4. **BOARD RE-APPOINTMENT**

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Roberto Rivera to the History Museum Board by Representative Presi Ortega, Jr.

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5. **APPLICATIONS FOR TAX REFUND**

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

A. Henry F. O'Hara in the amount of \$2,571.48 overpayment of 2006 taxes.
(PID #H540-999-0160-0700).

B. Del Norte First American Title FBO in the amount of \$5,042.39 overpayment of 2006 taxes.
(PID #S812-999-0090-0700).

C. Juan M. & Carmen J. Cazares in the amount of \$3,175.10 overpayment of 2006 taxes.
(PID #W145-999-0550-0200).

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6. **BEST VALUE PROCUREMENT**

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-002, Airport Parking Facility Management, Aviation Department.

Award to: Standard Parking Corporation
Chicago, IL
Account No.: 62620006-502207-40101
Funding Source: Airport Operating Fund
Total Award: \$401,780.16

This is a five (5) year Contract.

It is requested that staff be authorized to negotiate, the City Attorney's Office to review and the City Manager execute any additional documents and agreements as necessary.

The Departments of Financial Services and Aviation recommend award to the bidder offering the best value bid.

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7. BID

*Motion made, seconded, and carried to **AWARD** Bid Solicitation No. 2007-027, Wheel & Axle Alignments, General Services Department-Fleet Division.

Award to: Vendor 1: Advanced Auto Collision Repair Center, Inc.
El Paso, Texas
Item(s): Group I, Automotive Vehicles
Annual Estimated Amount: \$10,000.00

Award to: Vendor 2: Stanley Spring & Suspension
El Paso, Texas
Item(s): Group II, Heavy Duty Trucks
Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within one (1) year from the date of the award.
Annual Estimated Amount: \$15,000.00

Account No.: 37370510-503125-45202
Funding Source: Fleet Service Internal Service Fund
Total Estimated Award: \$75,000.00

This is a requirements type contract with an initial term of thirty six (36) months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidders.

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8. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Council Ratification of the Storm 2006 on the following professional services contract. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

Agreement

Agreement with Jeffrey S. Ward to provide Acquisition and Comparable Replacement Services related to Storm 2006 projects in an amount not to exceed \$250,000.

Representative Castro commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, Development Services, commented.

Mr. Richard Schechter, citizen, commented.

1ST MOTION

*Motion made, seconded, and carried to **MOVE THE ITEM TO REGULAR AGENDA.**

2ND MOTION

Motion made by Representative Lilly, seconded by Representative Lozano, and carried to **APPROVE** the agreement.

AYES: Representatives Lilly, Byrd, Lozano, Castro, and Steve Ortega
NAYS: None
ABSTAIN: Representative Holguin
NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and O'Rourke

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9A. – 9B. INTRODUCTIONS

Motion made by Representative Lozano, 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 authorizing the City of El Paso to sell a 2.378-acre parcel of land, more or less, being a portion of Tracts 74-78, inclusive, Cinecue Park Addition, City of El Paso, El Paso County, Texas, to Jorge Valenzuela and Ruben Perea.
- B. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.36 (Parades and Public Assemblies), of the City Code to amend the provisions relating to parade costs and fees; the penalty being as provided in Sections 1.08.010 – 1.08.030 of the City Code.

NOT PRESENT FOR THE VOTE: Representative Byrd

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9C. INTRODUCTION

Motion made by Representative Castro, seconded by Mayor Pro Tempore Presi Ortega, Jr., and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

An Ordinance incorporating the El Paso Water Utilities Public Service Board Northeast Master Plan as a Specific Study Area Plan into the City's comprehensive plan, the Plan for El Paso, and which plan shall amend the Plan for El Paso and the year 2025 General Land Use Map incorporated therein. Subject Property: North of US Highway 54 and East of the Franklin Mountains State Park. Applicant: City of El Paso.

Representative Castro commented.

AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd
ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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10A. PUBLIC HEARING – DEVELOPMENT SERVICES

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.**

Ms. Kelly Carpenter, Planning Director, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following members of the public commented:

- 1. Mr. Luis de la Cruz
- 2. Ms. Marina Rios
- 3. Mr. Oscar Fregoso

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. de la Cruz to speak after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

2ND MOTION

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **DENY** the Ordinance.

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10B.

ORDINANCE 16521

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

Motion duly made by Representative O'Rourke, seconded by Representative Holguin, 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, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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10C. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the item regarding 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.
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10D. PUBLIC HEARING – DEVELOPMENT SERVICES

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **DENY** 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.

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

Ms. Kelly Carpenter, Planning Director, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Lozano commented.

Mr. Jose Escobedo, citizen, commented.

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10E.

ORDINANCE 16522

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

Ms. Kelly Carpenter, Planning Director, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Steve Ortega commented.

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

Motion duly made by Representative Lozano, 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, Holguin, Steve Ortega, and O’Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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10F.

ORDINANCE 16523

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

Ms. Kelly Carpenter, Planning Director, 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 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, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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10G. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for six 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. Applicant: SBS Development Company, LLC. POSTPONED FROM 11-07-06 AND 11-28-06

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10H.

ORDINANCE 16524

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 3-G 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) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Holguin, seconded by Representative Steve Ortega, 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, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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10I.

ORDINANCE 16525

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CONVAIR ROAD RIGHT-OF-WAY WITHIN EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 5, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Byrd, seconded by Representative Lozano, 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, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

10J.

ORDINANCE 16526

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING THE FIVE AREAS DESCRIBED AS REDEVELOPMENT DISTRICTS IN THE EL PASO DOWNTOWN 2015 PLAN AS A TAX INCREMENT REINVESTMENT ZONE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE “REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS”; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**

Ms. Pat Aduato, Deputy City Manager, Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, and Ms. Sylvia Firth, Senior Staff Attorney, gave legal advice.

Mr. Marco Johns, consultant, commented.

The following members of the public commented:

1. Mr. Stuart Blaugrund, on behalf of the Land Grab Opponents
2. Ms. Susan Austin
3. Mr. Fred Jackson, El Paso Hospitality Sector
4. Mr. Michael Guerra, El Paso Chamber of Commerce
5. Ms. Yolanda Leyva
6. Ms. Lisa Turner
7. Mr. Felipe Luna
8. Mr. Antonio Lopez
9. Mr. Jack Cardwell, Co-Chair of Paso del Norte
10. Mr. Richard Schecter
11. Mr. Jack Maxon
12. Dr. Patricia Monardes
13. Ms. Elisa Vasquez

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow the Land Grab Opponents to speak for six minutes.

NOT PRESENT FOR THE VOTE: Representative O’Rourke

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Elisa Vasquez to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative O’Rourke

3RD MOTION

Motion made by Representative Holguin, seconded by Representative Castro, and carried to **SUSPEND THE RULES OF ORDER** and allow an additional three minutes for the Land Grab Opponents, represented by Mr. Stuart Blaugrund.

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

NAYS: Representative Steve Ortega

NOT PRESENT FOR THE VOTE: Representative O'Rourke

4TH MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Felipe Luna an additional minute to speak.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

5TH AND FINAL MOTION

Motion duly made by Representative Lozano, seconded by Representative Byrd, that the Ordinance be **ADOPTED** on the condition that the project plan and the financing plan by the Tax Increment Reinvestment Zone (TIRZ) Board incorporate the guiding principals and value statements adopted by Resolution of the City Council on July 10, 2006, and that the project and financing plan must implement strategy to:

- ensure that 30% of all new housing created is affordable housing;
- provide relocation assistance for both residents and businesses;
- provide assistance for historic preservation;
- provide workforce training

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, Presi Ortega, Jr., and Steve Ortega

NAYS: Representatives Castro and Holguin

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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

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10K.

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 Council of the City of El Paso passed and approved a Resolution on July 10, 2006, resolving not to consider the use of eminent domain as an implementation strategy within the study area of the downtown revitalization for any project other than for public purposes for a twelve (12) month time period following the date of formal adoption of the plan for the revitalization of downtown;

WHEREAS, on October 31, 2006, the City Council passed and approved Ordinance No. 016487, incorporating the Downtown 2015 Plan prepared by SMWM into the City's comprehensive plan entitled *The Plan for El Paso*;

WHEREAS, in response to the request of downtown property owners the City Council has agreed to extend the time during which it will not consider the use of eminent domain for an additional one year term.

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

The City Council resolves not to consider the use of eminent domain as an implementation strategy within the study area of the downtown revitalization for any project other than for public use until after November 1, 2008.

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

Ms. Sylvia Firth, Senior Staff Attorney, read a revision into the record and Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Stuart Blaugrund
- 3. Ms. Lisa Turner
- 4. Dr. Patricia Monardes

Motion made by Representative Lozano, seconded by Representative Byrd, and carried to **APPROVE** the Resolution, as revised.

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

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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11A.

ORDINANCE 16527

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO ESTABLISH REGULATIONS WHEREBY THE CITY OF EL PASO MAY REFUSE TO ENTER INTO AN AGREEMENT WITH A PERSON INDEBTED TO THE CITY OF EL PASO.**

Mayor Cook commented.

Ms. Carmen Arrieta-Candelaria, Comptroller, commented.

Mr. Richard Schecter, citizen, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Steve Ortega, 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, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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11B.

ORDINANCE 16528

The City Clerk read an Ordinance entitled: **AN ORDINANCE REAFFIRMING THE AUTHORIZATION, APPROVED IN ORDINANCE NO. 016484, FOR THE CITY OF EL PASO TO SELL A 12.197 ACRE PARCEL OF LAND, MORE OR LESS, BEING A PORTION OF TRACT 6B, S.A. & M.G. RAILWAYS SURVEY COMPANY NO. 268 AND A PORTION OF TRACT 3B, JOHN WHITTAKER SURVEY, NO. 134, CITY OF EL PASO, EL PASO COUNTY, TEXAS, TO HAM MANAGEMENT, LLC, AND CORRECTING AN ERROR IN THE LEGAL DESCRIPTION TO INCLUDE "ALL OF TRACT 10C2" AND "NOW KNOWN AS TRACT 3B2" IN THE IDENTIFIED LEGAL DESCRIPTION AND SURVEY.**

Motion duly made by Representative Lilly, 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, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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

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12A. MAYOR AND COUNCIL

Discussion and action regarding a Resolution approving the City of El Paso's Legislative Agenda for the 80th Texas Legislative Session and adopting a Statement of Policy for the City of El Paso regarding legislation in the 80th Texas Legislature and actions before State administrative agencies.

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

Ms. Joyce Wilson, City Manager, and Ms. Sylvia Firth, Senior Staff Attorney, commented.

Mr. Richard Schechter, citizen, commented.

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Schechter an additional two minutes to speak.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **REMOVE** item 4, pertaining to the Regional Mobility Authority, from the State Legislative Agenda Priorities. **NO VOTE** was taken.

3RD MOTION

Motion made by Representative Steve Ortega, seconded by Representative Castro, to **POSTPONE** the item for two weeks. Ms. Castro **WITHDREW** her second.

4TH AND FINAL MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution but **ACCEPTING** only Item 1 (Texas Tech Four Year Medical School), Item 2 (Completion of Inner Loop), Item 3 (Flood Relief) with amendments to 3c and an addition of 3d to request one time appropriation for emergency infrastructure repair, and Item 5 (State Park) of the City of El Paso 2007 State Legislative Priorities.

NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.
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12B.

R E S O L U T I O N

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

WHEREAS, with the passage of the Property Tax Code by the Texas Legislature in 1979, all property is to be valued at fair market value;

WHEREAS, the Property Tax Code requires the application of generally accepted appraisal methods and techniques;

WHEREAS, appraisal districts in Texas must apply the techniques in compliance with the Uniform Standards of Professional Appraisal Practice;

WHEREAS, the Uniform Standards of Professional Appraisal Practice and the Property Tax Code require the use of three methods of appraisal: the cost approach, the income approach, and the market data approach;

WHEREAS, these three approaches to value require the use of real property sales data;

WHEREAS, this data is mostly unavailable to appraisal districts in Texas;

WHEREAS, the unavailability of sales data causes the inequitable under valuation of commercial property;

WHEREAS, this inequitable under valuation of commercial property unfairly shifts the burden of taxation to homeowners;

WHEREAS, the State of Texas and all taxing entities are losing billions of dollars in potential revenue due to the under valuation of commercial properties; and

WHEREAS, Texas is one of only five states that does not require mandatory sales price disclosure.

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

That the City of El Paso calls on the Governor of the State of Texas and our representatives in the Texas Legislature to adopt legislation requiring the mandatory disclosure of real property sales prices to appraisal districts to ensure the fair and equitable valuation and taxation of all real property in the State of Texas.

Representatives Byrd, Lilly, Castro, and O'Rourke commented.

Ms. Sylvia Firth, Senior Staff Attorney, commented.

Mr. Richard Schecter, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Castro, Steve Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

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13.

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 (the "City") is authorized pursuant to TEX. LOCAL GOV'T CODE, Ch. 372, as amended ("Chapter 372") to create public improvement districts for the purposes described therein; and,

WHEREAS, the City has received a petition (the "Petition") requesting the creation of the El Paso Public Improvement District No. 1 (the "PID") over the property described therein (the "Property") from the owners of a portion of the Property; and,

WHEREAS, the petitioners constitute more than 50 percent of the appraised value and the area of the Property, in accord with the requirements of §372.005(b) of Chapter 372; and,

WHEREAS, the City is required to hold a hearing regarding the creation of the PID and to provide notice of such hearing by publication and mailing in accordance with the requirements of §372.009(c) and (d) of Chapter 372; and,

WHEREAS, the City desires to provide the requisite notice and hearing on the PID,

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

Section 1. The facts recited in the preamble hereto are found to be true and correct.

Section 2. The public hearing required by §372.009 of Chapter 372 be scheduled for Tuesday, January 16, 2007, at 9:00 a.m. in the Council Chambers at City Hall, 2 Civic Center Plaza, El Paso, Texas.

Section 3. The City staff is hereby authorized and directed to provide notice of such hearing by publication and mailing in accordance with the requirements of §372.009(c) and (d) of Chapter 372.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. Effective Date. This Resolution shall become effective immediately upon its passage.

Mr. Rick Conner, City Engineer, commented.

Mr. Richard Schecter, citizen, commented.

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

NOT PRESENT FOR THE VOTE: Representatives Castro, Presi Ortega, Jr., Holguin, and O'Rourke

14. FINANCIAL SERVICES – BEST VALUE PROCUREMENT

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2006-190, Pavo Real Swimming Pool Improvements, to F.T. James Construction, Inc. of El Paso, Texas, for a total amount of \$1,963,002.00.

Department: Parks and Recreation
Award to: F.T. James Construction, Inc.
El Paso, Texas
Item(s): Base Bid: \$1,963,002.00
Account No(s): 14101001-PQLPA144-60144-508027
31130500-PQLPA144-60176-508027
Funding Source: 2000 Quality of Life Bonds and Parks Contingency Funds
Total Award: \$1,963,002.00

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 \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract.

The Financial Services, Parks, and Engineering Departments recommend award to the bidder offering the best value bid.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. and O'Rourke

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15. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

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

Representative Steve Ortega, O'Rourke, and Lilly commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

NO ACTION WAS TAKEN on the item.
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ADDITION TO THE AGENDA

1. MAYOR AND COUNCIL

Motion made by Representative Holguin, seconded by Representative Lozano, and unanimously carried to **POSTPONE** until the January 3, 2007 City Council Meeting the item regarding discussion and action on Digital El Paso Pilot Project Initiative, MOU.

Mr. Larry Peterson and Mr. Pat McGranahan, El Paso Lyceum Next Generation Economy Cabinet, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Holguin, Castro, Steve Ortega, and O'Rourke commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Gary Gordier, IT Director
- 3. Mr. Robert Andrade, Executive Assistant to the Mayor

Mr. Art Armas, El Paso County Information Technology, commented.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** this meeting at 3:32 p.m.

NOT PRESENT FOR THE VOTE: Representative Lozano and Presi Ortega, Jr.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk