

**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

**CORRECTED**  
REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 17, 2007  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Jose Alexandro Lozano, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Susannah M. Byrd at 8:35 a.m. during Executive Session deliberations, Ann Morgan Lilly and Eddie Holguin, Jr. arrived at 8:59 a.m., and Melina Castro arrived at 9:12 a.m. Early departure: Eddie Holguin, Jr. at 12:36 p.m. The Mayor asked for a moment of silence for the victims of the Virginia Tech shooting. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **THE ANNUAL SALE OF BUDDY POPPIES**
2. **SEXUAL ASSAULT AWARENESS MONTH**
3. **LOWER VALLEY SCHOOL NURSES ASSOCIATION**
4. **RECYCLING AWARENESS WEEK**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Abigail Perez-Castro, El Paso Community College student
2. Mr. Jose Contreras, Chair of Committee on Border Relations
3. Mr. Marvin Rosenbaum
4. Mr. Ray Gilbert

Mayor Cook and Representative Steve Ortega commented.

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Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, Jr., 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 item listed on the Agenda.

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

NAYS: None

NOT PRESENT FOR THE VOTE:    Representatives Lilly, Byrd, Castro, and Holguin

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 8:59 a.m. and **RECONVENE** the meeting of the City Council, during which time a motion was made.

NOT PRESENT FOR THE VOTE:    Representatives Castro and Holguin

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**EX1.**    Maria Theresa Urbina vs. City of El Paso; Cause No. 2005-6899. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement, and sign all documents to resolve the lawsuit styled Maria Theresa Urbina vs. City of El Paso; Cause No. 2005-6899.

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

ABSTAIN:      Representative Holguin

NOT PRESENT FOR THE VOTE:    Representative Castro

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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

NAYS: None

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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 April 10, 2007.

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

**NO ACTION WAS TAKEN** on the 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:**

That the City Manager be authorized to sign a Concession Agreement by and between the City of El Paso and CheckPoint Mailers, Inc. ("Concessionaire") for the operation of a self-service security checkpoint mailing concession at the El Paso International Airport.

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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 Manager be authorized to sign an Employment Agreement between the City of El Paso and Monica I. Castillo to employ Monica I. Castillo as an Applications Support Administrator for the Information Technology Department at a biweekly rate of \$2,546.71. The term of the contract shall be for the period of April 21, 2007, through April 20, 2008.

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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:**

WHEREAS, the City Council adopted a Resolution on February 20, 2007 to call the 2007 General Election and the submission of Charter Amendments;

WHEREAS, it is necessary to adopt a revised Exhibit B, listing all of the polling places and listing the mobile voting locations and the dates and times for such mobile voting, to revise one location and add one new location;

WHEREAS, it is necessary to revise the list of the locations of the early voting locations for the election, to remove one location, to change two other locations, correct the name of one location, revise the times for early voting on Sunday, May 6, 2007, and authorize the City Clerk to administratively add one new location and make any additional corrections to the lists of early and mobile voting; and

WHEREAS, except as previously and herein amended and, the Resolution dated February 20, 2007 to call the 2007 General Election and the submission of Charter Amendments shall remain in full force and effect.

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

1. That the Resolution dated February 20, 2007 to call the 2007 General Election and the submission of Charter Amendments ("Resolution") be amended for the purpose of adopting and incorporating a revised Exhibit B, as referenced in the Resolution, in such Resolution, as follows:

That Exhibit B, containing the listing of all of the early voting places and the dates and times for such mobile voting for the May 12, 2007 election is hereby adopted and the Resolution is hereby amended

to include Exhibit B, as hereto attached, and that the notice of election published by the City Clerk shall include Exhibit B.

2. That Paragraph 5 of the Resolution be amended as follows:

That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Helen Jamison, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting station for such election. In addition, the following branch offices, and/or any additional locations that might be added by the Elections Department, and hours for early voting by personal appearance shall be authorized for such election:

Early voting shall be held weekdays from Monday, April 30, 2007, thru Tuesday, May 8, 2007, and on Saturday, May 5, 2007 and Sunday, May 6, 2007 only at the branches identified below as: b, c, d, f, g, h, j, k, m, n, and p. There is NO voting on Saturday, April 28, 2007 and Sunday, April 29, 2007. The hours for early voting at each early voting location are as noted below.

<u>Location:</u>	<u>Hours of voting:</u>
a) Anthony City Hall 401 Wildcat Dr.	weekdays only - 8:30 am - 4:30 pm
b) Bassett Place 6101 Gateway West	weekdays -- 9:00 am - 6:00 pm, with expanded hours Monday, May 7, 2007 and Tuesday, May 8, 2007 -- 7:00 am - 7:00 pm Saturday, May 5, 2007 -- 9:00 am - 6:00 pm Sunday, May 6, 2007 -- 12:00 pm - 5:00 pm
c) Carolina Recreation Center 563 N. Carolina	weekdays -- 9:00 am - 6:00 pm, with expanded hours Monday, May 7, 2007 and Tuesday, May 8, 2007 -- 7:00 am - 7:00 pm Saturday, May 5, 2007 -- 9:00 am - 6:00 pm Sunday, May 6, 2007 -- 12:00 pm - 5:00 pm
d) Calvary Chapel Christian Academy 1771 N. Zaragoza Rd.	weekdays -- 9:00 am - 6:00 pm, with expanded hours Monday, May 7, 2007 and Tuesday, May 8, 2007 -- 7:00 am - 7:00 pm Saturday, May 5, 2007 -- 9:00 am - 6:00 pm Sunday, May 6, 2007 -- 12:00 pm - 5:00 pm
e) Clint Junior High School 1300 Alameda Ave.	weekdays only -- 12:00 pm - 4:00 pm
f) Courthouse 500 E. San Antonio Ave	weekdays -- 8:00 am - 5:00 pm, with expanded hours Monday, May 7, 2007 and Tuesday, May 8, 2007 -- 7:00 am - 7:00 pm Saturday, May 5, 2007 -- 9:00 am - 6:00 pm Sunday, May 6, 2007 -- 12:00 pm - 5:00 pm

- g) Dieter Plaza Shopping Strip  
1605 George Dieter  
weekdays 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm - 5:00 pm
- h) Miner Village, #C  
2900 N. Mesa  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm - 5:00 pm
- i) Oz Glaze Senior Center  
13969 Veny Webb St.  
weekdays only - 8:00 am - 5:00 pm
- j)
- k) Rev. Pete Martinez, Senior Center  
9301 Alameda  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm - 5:00 pm
- l) Robert R. Rojas Elementary School  
500 Bauman  
weekdays only - 8:00 am - 5:00 pm
- m) Rushfair Shopping Center  
5255 Woodrow Bean  
Transmountain Dr.  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm -5:00 pm
- n) Sunrise Shopping Center  
8500 Dyer  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm -5:00 pm
- o) West Valley Fire Dept.  
510 E. Vinton Rd.  
weekdays only -- 3:00 pm - 6:00 pm
- p) Vista Hills Shopping Center, # 704  
1840 Lee Trevino  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 12:00 pm - 5:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting, as set forth in Exhibit B, which includes the respective hours for early voting by personal appearance at these stations. The City Clerk is authorized to administratively add one additional early voting location for voting at the City election,

as recommended by the El Paso County Elections Administrator, and to make corrections or revisions regarding the other early voting locations and the mobile voting stations, and the dates and times for such voting.

Representative Steve Ortega commented.

Ms. Elaine Hengen, Senior City Attorney, gave legal advice, and Ms. Richarda Momsen, Municipal Clerk, 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 Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to name the new park located at 12515 Tierra Norte Road, Tierra Del Este Subdivision, Unit 1, more specifically known as Block 12, Lot 80, City of El Paso, El Paso County, Texas, as the Salvador Rivas, Jr. Park.

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

**THAT** the park located at 12515 Tierra Norte Road, Tierra Del Este Subdivision, Unit 1, more specifically known as Block 12, Lot 80, City of El Paso, El Paso County, Texas, shall henceforth be named and known as the Salvador Rivas, Jr. Park; and,

**THAT** Representative Presi Ortega requested this specific name and the City shall incur the customary costs associated with the naming or renaming of a park or park facility, such as installing or replacing signs with the park name or any other signs posted or affixed for a facility. Any proposed signs shall be acceptable to the Parks and Recreation Department.

Representative Presi Ortega, Jr. commented.

Dr. Norman Merrifield, Director of Parks and Recreation, commented.

Mr. Salvador Rivas, III, commented.

Mr. Pete Hollen commented.

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

\*Motion made, seconded, and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA.**

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

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Holguin, and unanimously carried to **APPROVE** the Resolution.

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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 Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso and the County of El Paso for DWI Drug Court Intervention and Treatment Program Surveillance Officer assigning a city police officer to the Court to perform the services of Surveillance Officer under the program, and the County will reimburse the City for said services under the DWI Drug Court Intervention and Treatment Program.

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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 Manager is hereby authorized to sign an amendment to an Agreement for engineering services between the City of El Paso and SLI Engineering, Inc. entered into April 19, 2005, for a project known as "Upper Valley Road" for an amount not to exceed sixty-two thousand one hundred thirty-eight and 68/100 dollars (\$62,138.68).

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4. **BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ruben Muñoz to the Civil Service Commission (subject to consultation with the Civil Service Commission) by Representative Eddie Holguin, District 6.

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5. **APPLICATION FOR TAX REFUND**

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

- A. Tuesday Morning, Inc. in the amount of \$7,335.95 overpayment of 2006 taxes. (PID #0283-999-9143-0000).
- B. Whispering Pines Apartments/Oakhill Terrace Associates in the amount of \$8,152.80 overpayment of 2006 taxes. (PID #0632-999-1026-1550).
- C. Tuesday Morning, Inc. in the amount of \$6,590.30 overpayment of 2006 taxes. (PID #1996-999-0668-0034).
- D. LandAmerica Lender Services in the amount of \$3,665.72 overpayment of 2006 taxes. (PID #C742-999-0010-3300).
- E. Manuel Zaraposa in the amount of \$3,394.78 overpayment of 2006 taxes. (PID #C942-999-0040-1200).
- F. Homecomings Financial in the amount of \$3,379.48 overpayment of 2006 taxes. (PID #H801-999-0040-8900).

- G. Edith Ochoa in the amount of \$3,255.15 overpayment of 2006 taxes. (PID #R330-999-0150-9820).
- H. D L McElroy in the amount of \$3,579.13 overpayment of 2005 taxes. (PID #S533-000-0030-1300).
- I. Wells Fargo R.E. Tax Services in the amount of \$2,734.98 overpayment of 2006 taxes. (PID #S917-999-002H-2850).
- J. Mortgage Services in the amount of \$2,850.76 overpayment of 2006 taxes. (PID #U819-000-018E-05H1).
- K. Homecomings Financial in the amount of \$4,144.72 overpayment of 2006 taxes. (PID #V893-999-2680-0700).
- L. Stewart Title in the amount of \$2,856.70 overpayment of 2006 taxes. (PID #V897-999-0290-0900).
- M. Home Loan Service, Inc., in the amount of \$2,533.62 overpayment of 2006 taxes. (PID #X578-000-2060-0666).

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**6A. FINANCIAL SERVICES**

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

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

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

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried that the Purchasing Manager for the Financial Services Department be **AUTHORIZED** to exercise the City's option to extend the term of the agreement for one year, from April 24, 2007, through April 23, 2008, pursuant to the provisions of contract 2004-029R, Benefits Consulting Services for the City of Insurance and Benefits, with Crest Consulting Services, Inc. Crest Benefits is currently working on benefit projects for the City, thus extending the contract would allow for the completion of the assigned projects. The specific projects include a review of bargaining unit benefit programs and preparing Third Party Administration RFP review.

Department:	OMB/Insurance & Benefits
Account No.:	04100248 – 01101 - 502215
Funding Source:	OMB/Insurance, Operating Account, Health Benefit Fund
Total Estimated Award:	\$85,500.00

Mayor Cook and Representatives Lozano, O'Rourke, Castro, and Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, and Mr. David Almonte, Director of Office of Management and Budget commented.

Mr. Randy McGraw, Executive Vice President of Crest Consulting Services, commented.

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**6B. FINANCIAL SERVICES**

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

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-064R (Benefit Consulting Services) to Hay Group, Inc. for a total estimated award of \$192,000.00.

Department: OMB/Insurance  
Award to: Hay Group, Inc.  
Dallas, TX  
Item(s): All  
Option: Two years, one year at a time  
Account No.: 04100248 – 01101 - 502215  
Funding Source: Operating Account, Health Benefit Fund  
Total Estimated Award: \$192,000.00

The Departments of Financial Services and OMB/Insurance recommend award as indicated. Review Committee based on evaluation factors established for this procurement, recommend award to Hay Group, Inc.

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

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

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **AWARD** Solicitation No. 2007-064R (Benefit Consulting Services) to Hay Group, Inc. for a total estimated award of \$192,000.00 with the condition the item be brought back to council in twelve months for an update.

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**7. BEST VALUE PROCUREMENT**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-095 (Janitorial Services – Chihuahuita-Seville Community Centers) to Total Cleaning Services for a total estimated award of \$51,385.68.

Department: Parks and Recreation  
Award to: Total Cleaning Services  
El Paso, TX  
Item(s): All  
Option: One year any time during contract period  
Annual Estimated Amount: \$17,128.56  
Account No.: 51010256 – 01101 – 502226  
51511915 – 16330 – 502206 - P500230  
51511098 – 16316 – 502206 – P00216  
Funding Source: General Funds, Chihuahuita and Seville Users Fee  
Total Estimated Award: \$51,385.68

This is a thirty-six month contract.

The Departments of Financial Services and Parks and Recreation recommend award to the vendor offering the best value bid.

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, commented.

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**8. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-133 (Signs, Aluminum {Refurbish & Remount}) to San Bar Construction Corp. for a total estimated award of \$70,470.00.

Department: Aviation  
Award to: San Bar Construction Corp.  
Albuquerque, NM  
Item(s): 1 (All)  
Account No.: 62620020 - 508027 - 41079 - PAP0039  
Funding Source: Airway Signage Project  
Total Estimated Award: \$70,470.00

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

The Departments of Financial Services and Aviation recommend award as indicated.

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**9A. – 9H. INTRODUCTIONS**

Motion made by Representative Steve Ortega, seconded by Representative Byrd, 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 vacating a portion of Copia Street right-of-way between Block 89-A and Block 88-D, First Revised Plat of Logan Heights, City of El Paso, El Paso County, Texas. Applicant: Eric Hardesty. SV06007
- B. 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 to add a new location on Reynolds Street between Montana Avenue and La Luz Avenue, east side only. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited During Certain Hours, School Days Only), Paragraph A, (No Parking 7:00 a.m. to 4:00 p.m.) of the El Paso City Code by adding Tierra Azteca Drive between Tierra Este Road and Tierra Meca Drive; Tierra Plata Drive between Tierra Azteca Drive and Tierra Cobre Drive; and Tierra Real Way. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code.
- D. An Ordinance amending Title 9 (Health and Safety) of the El Paso City Code by amending Chapter 9.04 (Solid Waste Management) in order to allow for qualified residents to receive both a Curbside Exemption and the Senior and Disabled Citizens Discount. The penalty being as provided in Section 9.04.390 of the El Paso City Code.

- E. An Ordinance authorizing the City of El Paso to sell the South 20.5 feet of Lot 20, Block 41, Magoffin Addition, more commonly known as 820 Tays St., El Paso, El Paso County, Texas, to Olga Cisneros.
- F. An Ordinance amending Title 2, Chapter 64 (City Employees' Pension Fund) to: (i) Increase employer and employee contributions to the fund; (ii) Change the method of contributing to the fund from post-tax basis to pre-tax basis; (iii) Revise the voting procedures for the election of Board of Trustees of the fund; and (iv) Allow for investing in new asset classes.

**PUBLIC HEARING WILL BE HELD ON MAY 1, 2007, FOR ITEMS 9A – 9F**

- G. An Ordinance changing the zoning of the following real property described as: Parcel 1: Tract 3F, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial); Parcel 3: A portion of Tracts 1A, 2, and 3A, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: West of Dyer Street and North of Ashley Road. Applicant: MIMA Properties, LLC and Newman Ranch Partners, LP. ZON07-00016
- H. An Ordinance changing the zoning of Lot 26 and portions of Lots 25 and 27, Block 91, East El Paso Subdivision, City of El Paso, El Paso County, Texas, from R-5 (Residential) to S-D (Special Development) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3414 Montana Avenue. Applicant: Carlos & Laura Aguilar. ZON06-00156

**PUBLIC HEARING WILL BE HELD ON MAY 8, 2007, FOR ITEMS 9G – 9H**

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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**10A.**

**ORDINANCE 16600**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO SHADOW LOUNGE, 1914 LOUNGE, AND VANILLA BAR TO TEMPORARILY CLOSE A PORTION OF WESTERN COURT BETWEEN DURANGO STREET AND ANTHONY STREET FOR VARIOUS STREET EVENTS ON THE FOLLOWING DATES: APRIL 20, 2007; MAY 5, 2007; MAY 12, 2007; SEPTEMBER 16, 2007; OCTOBER 6, 2007; NOVEMBER 21, 2007; DECEMBER 15, 2007, AND DECEMBER 31, 2007.**

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

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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**10B.**

**ORDINANCE 16601**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 6-9, BLOCK 7, EASTWOOD SECTION 1, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

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

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, 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 Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lilly and O'Rourke

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**

An Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00154.

\*Motion made, seconded, and unanimously carried to **POSTPONE** the item for one week.

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ITEMS TAKEN TOGETHER:

**10D. PUBLIC HEARING – DEVELOPMENT SERVICES**

Public Hearing on the Proposed Improvements and Proposed Assessment Roll for the El Paso Public Improvement District No. 1 (Thunder Canyon).

**11.**

**ORDINANCE 16603**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CLOSING HEARING, FINDING THE PROPOSED IMPROVEMENTS ARE ADVISABLE, AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS TO BE PROVIDED IN THE EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON); FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE**

**DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Cook and Representatives Steve Ortega, Lilly, and Lozano commented.

Ms. Terri Cullen-Garney, Deputy City Attorney, gave legal advice.

Mr. Jorge Sainz, citizen, commented.

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

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **CLOSE** the Public Hearing.

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

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, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

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

.....  
**10E.**

**ORDINANCE 16602**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 300, VISTA DEL SOL UNIT 62 REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM M-1 (LIGHT MANUFACTURING) TO A-3 (APARTMENT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Steve Ortega commented.

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

Mr. Calvin Kricker, representing the applicant, commented.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

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

**10F. PUBLIC HEARING – DEVELOPMENT SERVICES**

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

Representatives Steve Ortega, Lilly, and Byrd commented.

Mr. Barry Russell, Assistant Director of Parks and Recreation, commented.

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

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 12:26 p.m.

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

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 12:32 p.m. and **RECONVENE** the meeting of the City Council.

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

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **DELETE** the item.

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**12.**

**ORDINANCE 16604**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT ON BEHALF OF THE CITY OF EL PASO WITH CHICO’S TACOS, INC. TO ALLOW THE USE OF A PORTION OF THE NORTHWEST CORNER OF WASHINGTON PARK AND A 367-SQUARE-FOOT PORTION ADJACENT TO THE ALLEY BETWEEN PERA STREET AND WASHINGTON PARK FOR PARKING AND FOR VEHICULAR AND PEDESTRIAN TRAFFIC.**

Motion duly made by Representative Lozano, 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: Representative 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**.

.....  
**13A.**

**RESOLUTION**

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

**WHEREAS**, in 2006 the City Council approved the Capital Budget, which included funding for the Neighborhood Improvement Program (“NIP”);

**WHEREAS**, NIP was categorized as a Priority Program, in which the requested projects from Recognized Neighborhood Associations or Civic Associations must be for permanent public improvements as defined in the NIP Program Guide;

**WHEREAS**, the Program’s total budget is \$1,000,000.00; however, these funds have been apportioned equally among El Paso’s eight Representative Districts, with each District being allocated \$125,000 of available NIP funds, and with no individual Neighborhood Improvement Project to exceed \$50,000.00 of NIP funds;

**WHEREAS**, during the first round of NIP, the City’s Neighborhood Services Division received 19 applications, which were evaluated by the NIP Review Committee; and

**WHEREAS**, the NIP Review Committee has completed its responsibility for reviewing the applications and providing recommendations for NIP projects that it believes should be approved by City Council in the first round of NIP funding;

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

1. That City Council hereby approves the Neighborhood Improvement Projects the NIP Review Committee has recommended for expenditure of designated NIP funds in the 2006 Capital Budget, said projects specifically set forth in Exhibit “A”;
2. That the City Manager or a designee is directed to proceed with allocation of the funds from the 2006 Capital Budget for the NIP projects, as approved of herein, in order to begin implementation of the approved NIP projects in the first round of NIP funding.

Mr. Jorge Acosta, Planner for Neighborhood Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

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

The following members of the public commented:

1. Mr. Doug Echlin
2. Ms. Mary Francis Keisling
3. Ms. Colleen Lewis
4. Mr. Pete Hollen
5. Mr. Mark Benitez
6. Mr. Samuel Thompson
7. Ms. Sofia Villareal
8. Ms. Aida Banuelos
9. Mr. Joseph Nevarez

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the Resolution with the amendment that Neighborhood Services will work over the next thirty days with the Upper Valley Neighborhood to use the remaining allocated funds for District 8 to fund the planting of trees in the unused right-of-way of Riverbend.

.....  
**13B. COMMUNITY AND HUMAN DEVELOPMENT**

Discussion and action on a Resolution authorizing a contract between the City of El Paso and Centro Del Obrero Fronterizo, Inc., d/b/a La Mujer, in an amount not to exceed \$100,000 in order to determine the economic feasibility and proposed impact of the Plan Mayachen with emphasis on the Plaza Mayachen. (

\*Motion made, seconded, and unanimously carried to **POSTPONE** the item for two weeks.

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**13C.**

**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 Council approves the proposed amendments to the Community and Human Development Housing Programs Handbook, which relate to the City’s First Time Home-Buyer Program, Owner-Occupied Rehabilitation Program, and Reconstruction Program, and create the Emergency Home Repair Program, and which have been recommended by the Community and Human Development Director, said amendments attached and incorporated herein as Exhibit “A”.

Mr. William Lilly, Director of Community and Human Development, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives Byrd and Lilly commented.

Mr. Richard Schecter, citizen, commented.

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

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

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**14A.**

**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, Texas (the “City”), has determined that Certificates of Obligation should be issued under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

**WHEREAS**, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating: (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the



certificates; (ii) the maximum amount proposed to be issued; (iii) the purposes for which the certificates are to be issued; and (iv) the manner in which the City Council proposes to pay the certificates;

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

**SECTION ONE.** The City Clerk is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation in a principal amount not to exceed \$35,000,000 for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (i) constructing, resurfacing and improving various streets, roads, thoroughfares, sidewalks and pathways within the City, including acquisition of necessary rights-of-way in connection therewith; (ii) design, acquisition and installation of traffic management information systems within the City; (iii) design, acquisition, construction and installation of traffic control improvements, including signals, flashers, vehicle loop detector devices and other safety improvements; (iv) design, construction and installation of flood control, storm water and drainage improvements within the City, including the acquisition of land, property, rights-of-way and other facilities in the Mowad and Sapien regions of the City and otherwise in connection therewith; and (v) paying professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a pledge of the surplus revenues of the City's water and sewer system, provided, however, that such pledge of surplus revenues shall be limited to \$1,000. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto and incorporated herein by reference as a part of this Resolution for all purposes.

**SECTION TWO.** The City Clerk shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of first publication to be at least fifteen (15) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

**SECTION THREE.** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by V.T.C.A., Government code, Chapter 551, as amended.

**SECTION FOUR.** This Resolution shall be in force and effect from and after its passage on the date shown below.

Mr. William Studer, Deputy City Manager of Financial & Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schechter, citizen, commented.

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

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Holguin

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**14B.**

**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 February 2007, the City of El Paso (the "City") solicited proposals from various underwriting firms through the City's request for qualifications ("RFQ") process; and

**WHEREAS**, twenty (20) firms responded to the RFQ, which have been categorized within Tier 1 and Tier 2 and are listed in Exhibit 1 which is attached hereto and incorporated herein by reference (the "Underwriting List"); and

**WHEREAS**, the City desires to approve the Underwriting List for purposes of selecting a firm(s) to provide underwriting services for future City debt issuances or other financings.

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

**THAT**, the Underwriting List is hereby authorized from which the City Manager, or her designee, may select the appropriate underwriting syndicate to provide underwriting services for future City debt issuances or other financings. Said list shall remain in effect from April 18, 2007, through April 19, 2012.

**THAT**, the firms selected from the Underwriting List shall rotate within each category, after each issuance of debt instruments or other financings as recommended by the City Manager, or designee. This selection and rotation will depend on the number of firms necessary for a particular issuance that will vary depending on size and complexity of each issuance.

**THAT**, although the City anticipates using this RFQ as the basis for selecting underwriters for future debt issuances for general obligation, contractual obligations, revenue bonds and other such type debt, the City reserves the right to solicit underwriters for certain future debt instruments that, in the sole opinion of the City, require additional consideration or specialty such as pension obligation debt issuances.

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

Ms. Joyce Wilson, City Manager, and Mr. William Studer, Deputy City Manager of Financial & Administrative Services, commented.

Mr. Hector Zavaleta, Senior Vice President of First Southwest Company, commented.

Mr. Richard Schecter, citizen, commented.

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

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Holguin

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**15A. CITY MANAGER**

\*Motion made, seconded, and unanimously carried to **DELETE** the item regarding discussion and action on issues related to Storm 2006.

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**15B. CITY MANAGER**

Update on City/County Health District activities by Dr. Robert Galvan.

Dr. Robert Galvan, Interim City/County Health Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke, Lozano, Lilly, Steve Ortega, and Byrd commented.

Mr. Richard Schechter and Mr. Ray Gilbert, citizens, commented.

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

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**15C. CITY MANAGER**

Quarterly Financial Report: 2<sup>nd</sup> Quarter for Fiscal Year 2007/2008.

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **POSTPONE** the item for one week.

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**ADDITION TO THE AGENDA**

1.

**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 purpose of hazard mitigation is to implement actions that eliminate the risk from hazards, or reduce the severity of the effects of hazards on people and property. Mitigation actions are both short-term and long-term activities that reduce the cause or occurrence of hazards; reduce exposure to hazards; or reduce effects of hazards through various means to include preparedness response and recovery measures; and

**WHEREAS,** the City of El Paso assisted and participated in the development and implementation of the Regional Hazard Mitigation Action Plan in collaboration with the Rio Grande Council of Governments (RGCOG) who is a voluntary association of local governments that was established under state law to promote coordination and cooperation in the delivering of governmental services within the Upper Rio Grande State Planning Region in accordance with the Texas Local Government Code, Chapter 391; and

**WHEREAS,** the City of El Paso's portion of the Regional Hazard Mitigation Action Plan has been completed; and

**WHEREAS,** the Federal Emergency Management Agency (FEMA) requires approval of the City's portion of the Plan.

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

Hereby officially adopts and approves the City's portion of the Regional Hazard Mitigation Action Plan. The *Hazard Mitigation Plan* is an official plan of City Of El Paso; minor revisions of a nature that will not require funding to implement which are recommended by the Federal Emergency Management Agency and/or the Governor's Division of Emergency Management, Mitigation Section, may be incorporated by City Engineer or his designee without further action of City Council.

Representatives O'Rourke and Castro commented.

Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, commented.

Judge Jake Brisbin, Executive Director of the Rio Grande Council of Governments (RGCOG), and Ms. Marisa Quintanilla, Regional Services Manager of RGCOG, commented.

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

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Motion made by Mayor Pro Tempore Presi Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 1:36 p.m.

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

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Richarda Duffy Momsen, City Clerk