RAYMOND C. CABALLERO
MAYOR

**CITY COUNCIL**

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 20, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by City Clerk, Carole Hunter, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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**RESOLUTION**

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

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One gelatin silver print by artist James Evans entitled *Border Baby* offered by James Evans.

2. One wood and steel sculpture by artist James Surls entitled *Angel and the Blades* offered by Donald Zale of Dallas, TX.

3. Two color prints by artist Marty Snortum entitled *Rocket Buster Vintage* and *Texas Giant* offered by Marty Snortum.

4. Four works by artist Theodore Van Solen: two lithographs entitled *Noon on the Diamond A* and *Spring Work*, one pastel entitled *Portrait of Charlotte,* and one oil painting on canvas board entitled *Evening Shadows* offered by Charlotte Edmunds.

Ms. Becky Duval Reese, Director of the Museum of Art, accepted the gifts on behalf of the Art Museum and introduced Ms. Jennifer Olson Redinko, the new museum registrar. Ms. Redinko commented on the works of art and the artists.

uncil members commended Ms. Reese for her aggressiveness in acquiring the donations.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Sariñana and carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representatives Power and Escobar were not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of August 7, 2001.

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***RESOLUTION**

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

That the Mayor be authorized to sign the following contracts on behalf of the Arts Resources Department to be funded through the FY2002 Direct Funding Program of the Arts Resources Department, as recommended by the Arts Resources Department's Advisory Board and Staff:

| | ARD | TCA | TOTAL |
|---|---|---|---|
| 1. El Paso Association for the Performing Arts | $15,657 | $4,737 | $20,394 |
| 2. El Paso Symphony Orchestra | $15,083 | $4,545 | $19,628 |
| 3. El Paso Opera | $15,580 | $4,694 | $20,274 |
| 4. El Paso Pro-Musica | $15,083 | $4,545 | $19,628 |
| 5. Aardvark | $6,434 | $2,163 | $8,597 |
| 6. Bridge Center for Contemporary Art | $6,434 | $3,607 | $10,041 |
| 7. Chamizal National Memorial/Siglo de Oro | $8,614 | | $8,614 |
| 8. Chamizal National Memorial/Festival | | $4,645 | $4,645 |
| 9. Creative Kids | $4,290 | $3,607 | $7,897 |
| 10. EPCC Arts & Communications Art Festival | $3,797 | $2,128 | $5,925 |
| 11. El Paso Community Concerts | $6,288 | $3,525 | $9,813 |
| 12. El Paso Chorale | $8,428 | $4,545 | $12,973 |
| 13. El Paso Sungold | $2,047 | $1,147 | $3,194 |
| 14. El Paso Wind Symphony | $8,521 | $4,553 | $13,074 |
| 15. Gilbert & Sullivan Co. of EL Paso | $1,378 | $772 | $2,150 |
| 16. Reid Productions | $819 | $458 | $1,277 |
| 17. Theatre Inc. | $8,521 | $4,553 | $13,074 |
| 18. Tumblewords Project | $1,937 | $1,085 | $3,022 |
| 19. UTEP Art Department | $1,398 | $1,512 | $2,910 |
| 20. UTEP Languages & Linguistics | $2,340 | $1,311 | $3,651 |
| 21. UTEP Theatre Dept. | $1,283 | $719 | $2,002 |
| 22. UTEP Theatre Union Programs Office | $6,068 | $1,149 | $7,217 |
| **TOTALS:** | **$140,000** | **$60,000** | **$200,000** |

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* Motion made, seconded and unanimously carried to delete the Resolution that Alpine Remodeling, Inc. be declared to be in violation of the provisions of the Fire Station No. 14 Addition and Renovation Contract with the City of El Paso, executed December 7, 2000; and that the Contract be terminated in accordance witl Section 6.9 thereof due to violation of applicable provisions of the Contract by the Contractor.

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## *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, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIFTEEN THOUSAND FIVE HUNDRED FORTY-FOUR AND 63/100THS DOLLARS ($15,544.63 - $6,655.82 loan/$8,888.81 grant) against the following described real property:

> Lot 35, Block 12, PARKDALE ADDITION, UNIT TWO, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on file in Book 23, Page 25, Plat Records of El Paso County, Texas; also known and numbered as 613 Medina Street, El Paso, Texas 79904.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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## *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, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS ($ 10,200.00 - $9,245 loan/$955 grant) against the following described real property:

> Lots 19 and 20, Block 73, HIGHLAND PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas, also known and numbered as 2428 Federal Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of THREE HUNDRED TWENTY-SIX AND 50/100THS DOLLARS ($326.50).

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## *RESOLUTION

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

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **Mervin Moore Architect, Inc. dba Moore Nordell Kroeger Architects, Inc.,** for a project known as **"EPIA Terminal Roof Replacement and Consolidated Security Checkpoint"** for an amount not to exceed THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($350,000.00) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Mervin Moore Architect, Inc., dba Moore Nordell Kroeger Architects, Inc., and the City Attorney's office.

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## *RESOLUTION

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

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **Huitt-Zollars, Inc.,** for a project known as **"Nichols Road Parkway and Roadway**

**Improvements"** for an amount not to exceed FIFTY-SIX THOUSAND SIX HUNDRED NINETY-THREE AND 97/100 DOLLARS ($56,693.97) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Huitt-Zollars, Inc., and th City Attorney's office.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **Frank X. Spencer & Associates, Inc.,** for a project known as **"Arlen Drive and Robert Drive Street & Drainage Improvements"** for an amount not to exceed FORTY-SEVEN THOUSAND NINE HUNDRED FIFTEEN AND 00/100 DOLLARS ($47,915.00) and that city staff be authorized to negotiate and the Mayor be authorized to execute adjustments to this contract upon review and approval of Frank X. Spencer & Associates, Inc., and the City Attorney's office.

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***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 Appraisal Services Agreement by and between the City of El Paso and Ralph Sellers & Associates in an amount not to exceed $1,500.00 for the appraisal of the following described City property to determine the appraised value for a proposed street right-of-way vacation:

*A 0.442-acre portion of Ninth Street between Blocks 33 & 47, and a portion of a 20-foot alley between Lots 1 & 2 and 19 & 20, Block 47, CAMPBELL ADDITION, City of El Paso, El Paso County, Texas.*

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***RESOLUTION**

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

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Begin at Birth Grant in the amount of $29,764.00 from the Paso Del Norte Health Foundation, for the purpose of the El Paso Public Library performing the Begin at Birth Y2-Parent Education/I'm Learning! Estoy Aprendiendo program.

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***RESOLUTION**

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

That the Mayor be authorized to sign all required documentation and accept a grant award for the El Paso Police Department for a grant from the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, in the amount of $20,000.00 for the purpose of starting a Gang Resistance Education and Training (G.R.E.A.T.) program in the Police Department and obtaining training for police officers; no matching funds required.

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## *RESOLUTION

**WHEREAS,** the City has received requests from two organizations to permit the placement of "gift tag" trees in City facilities that would allow City employees and others to obtain the name of a disadvantaged person for the purpose of buying a gift for that person; and

**WHEREAS,** the placement of "gift tag" trees in City facilities has been a long-standing event and the response of City employees to this worthwhile humanitarian effort has been beneficial to both the employees and to the disadvantaged persons; and

**WHEREAS**, the temporary placement of these "gift tag" trees in City facilities will not interfere with the public's use of City facilities and locating the "gift tag" trees in City facilities is for the convenience of City employees; and

**WHEREAS**, the temporary placement of these "gift tag" trees serves an important public purpose, such as to allow the City to grant the temporary use of City facilities and constitutes consideration for such use; and

**WHEREAS**, this Resolution shall provide for the placement of two "gift tag" trees at City Hall during November and December 2001 at appropriate locations to be determined by City staff, that only these two trees be permitted in 2001 as they are the only timely-received requests, and to direct staff to establish a procedure for the placement of "gift tag" trees in City facilities in future years.

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

1. That the City Council of the City of El Paso recognizes the public purpose in facilitating charitable efforts during the holiday season by its employees by permitting a convenient manner in which a City employee can purchase a gift for a disadvantaged individual by allowing the temporary non-exclusive use of City facilities for the placement of "gift tag" trees; and

2. That the City Council authorizes City staff, as directed by the Chief Administrative Officer, to determine the appropriate locations within City Hall for the placement of "gift tag" trees by the Texas Department of Protective and Regulatory Services with the assistance of RSVP volunteers and Bienviver Senior Health Services and to assist with their temporary placement through December 24, 2001 at such locations.

3. That City staff, as directed by the Chief Administrative Officer, prepare a procedure regarding the taking and granting of requests for placement of "gift tag" trees at City facilities in future years.

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Motion made, seconded and unanimously carried to move to the regular agenda:

## RESOLUTION

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A JOINT RESOLUTION BETWEEN THE CITY AND THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FOR A DESERT LANDSCAPE AND NEW TECHNOLOGY DESERT WATER IRRIGATION DEMONSTRATION PROJECT FOR VALLEY CREEK PARK BEING PORTIONS OF TRACT 8, BLOCK 7 AND TRACT 1A, BLOCK 11, UPPER VALLEY SURVEYS LOCATED NEAR THE FUTURE EXTENSION OF REDD AND DUCKETT ROADS, EL PASO, EL PASO COUNTY, TEXAS.**

WHEREAS, the City purchased approximately 35 acres of land for use as a park, to be known at the Valley Creek Park, in the upper valley of El Paso, more particularly described as portions of Tract 8, Block 7 and Tract 1A, Block 11, Upper Valley Surveys; and,

WHEREAS, the City and the El Paso Water Utilities Public Service Board desire to establish a demonstration project for desert landscape and new technology for desert sensitive landscape irrigation; NOW THEREFORE,

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

The Mayor is hereby authorized to sign a Joint Resolution between the City and the El Paso Water Utilities Public Service Board for a desert landscape and new technology desert sensitive water irrigation demonstration project for Valley Creek Park, a 35 acre park site being portions of Tract 8, Block 7, and Tract 1A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas.

Representative Cobos commended the Parks Department for coming up with a water-friendly, water conservation park project.

Mr. Charles Nutter, Director, Parks & Recreation Department, stated that water conservation has been practiced by the Parks Department for quite a while.

Representative Sumrall thanked Mr. Nutter for working with the Public Service Board (Water Utilities). She said that this is an experimental project that is very exciting for the City parks.

Representative Medina questioned what the total amount of water saved was.

Mr. Nutter responded that he did not have an estimate on the water savings. He noted that 20% of the park would not have grass; however, he would confer with members of the PSB for an actual amount of water saved.

Mayor Raymond C. Caballero thanked the Public Service Board and Mr. Archuleta and asked that more parks follow the same concept.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Section 17, Block 81, Township 2, T& P RR Survey, El Paso County, Texas.

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Motion made, seconded and unanimously carried to move to the regular agenda

**RESOLUTION**

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

**THAT** the Mayor be authorized to sign a second amendment to the Agreement for Financial Advisory Services ("Agreement") between the City and First Southwest Company, extending the term of the agreement through January 5, 2003; changing the fee schedule for the issuance of debt instruments; and requiring an office in the City of El Paso.

Representative Cobos noted there was an increase in the fee schedule and asked what the rate was before the increase.

Mr. Bill Chapman, Chief Financial Officer, explained that this was the first time an increase had been implemented with this company. He added that the company had not received an increase in rate for 11 years.

Mr. Steven Adams, First Southwest Company, explained that the previous fee schedule was complicated and difficult to calculate; however, the new contract/fee schedule was easier to understand. He added that First Southwest is committed to opening an office in El Paso hopefully by February.

Mr. Chapman discussed the contract for Council Members information.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the fee increase was built into the budget and that the company was long overdue for an increase.

Motion made by Representative Cook, seconded by Representative Sumrall and carried to approve the above Resolution.

Representative Cobos voted Nay.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF EL PASO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2001A

WHEREAS, the City of El Paso, Texas (the "City"), pursuant to Chapter 271, Subchapter C, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

WHEREAS, the City Council of the City has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of applicable law;

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

Section 1. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. The City Clerk of the City is hereby authorized and directed to issue a notice of intention to issue certificates of obligation in substantially the form attached hereto as Exhibit A. (Exhibit on file with this Resolution in the City Clerk's office)

Section 3. The foregoing notice shall be published once a week for two consecutive weeks, the date of the first publication being not less than the fourteenth (14th) day prior to the date set forth in the foregoing notice for passage of the ordinance authorizing the Combination Tax and Revenue Certificates of Obligation. Such notice shall be published in a newspaper of general circulation in the area of the City of El Paso, Texas.

Section 4. That this resolution shall take effect from and after the date of its passage.

Representative Cobos commented on Certificates of Obligation and stated his concerns. Mr. Bill Chapman, Chief Financial Officer, explained that he had provided an itemized list to Council Members during the budget process.

Mr. Charlie McNabb, Chief Administrative Officer, spoke regarding the Quality of Life Bond election and that a Committee advised Council Members and others as to the issuance of the bonds. The Committee recommended that CO's (Certificates of Obligation) be issued for items that the City must maintain and operate with.

Representative Sumrall spoke regarding the difference between Certificates of Obligation and Bonds. She questioned whether the list of items might need to be readdressed.

Mr. McNabb explained what General Obligation Bonds and Certificates of Obligations can purchase.

Mr. Chapman stated that during the budget process Department Heads pared down their lists extensively.

Mayor Raymond C. Caballero noted that the City recently added monies to the Health Department budget due to the recent anthrax situation.

Mr. McNabb noted that the item in discussion is a Notice of Intention to issue the CO's and that the notice would be published in the newspaper. He stated that the public would then be made aware of the issuance and be able to discuss this further during the public hearing.

Representative Medina remarked that voters have taxed Council Members to study the details regarding the issues. He also stated the City's finances are in very good credit rating condition and the City pays off its loans on a timely basis.

Mr. Chapman explained that if the bonds were issued on December 11, the City would receive the $34 million dollars in mid-January. He explained that the monies must be spent within one year; however, if the monies are not spent they will be carried over and that the City would be paying an arbitrage tax.

Representative Cook explained that voters do not have access to all the information as Council Members do and they must entrust Council Members to act forthrightly and make sound decisions for the future of the City. He made comments regarding the acquisition of the Union Depot building and added that this item would not be considered a life safety issue. He spoke of life safety issues and quality of life issues and their differences.

Representative Power stated Council Members have exercised due diligence and are doing their job(s) as the taxpayers requested.

Representative Escobar explained it would not be prudent to take every item/issue to the voters and that the voters have entrusted Council Members to make sound decisions to move the City forward not backwards.

Representative Sariñana asked when the City anticipates selling more COs and could Council Members add items to this list such as, furniture for the new library being built in his district.

Mr. Chapman responded that the City anticipates selling more COs in early spring but that this would be left up to Council Members and the Mayor's discretion.

Mayor Raymond C. Caballero stated that the City is getting interest rates lower than the level of inflation and secondly, Representative Sariñana would have other opportunities to request the library furniture, at a later date.

Representative Cobos thought that the City should revert to a pay-as-you-go system.
Mayor Caballero rebutted Representative Cobo's comments regarding the pay-as-you-go system.
Representative Sumrall remarked that the City had previously tried the pay-as-you-go system and that it did not work. It has taken many years to replace the things that should have been replaced in a timely manner. She stated that the City is finally at the point where it can move forward.

Mr. Ray Gilbert, citizen, spoke about the possibility of misusing the monies and asked Council Members to review the new items and allow taxpayers to vote on it.

Motion made by Representative Sumrall, seconded by Representative Medina and carried to approve the above Resolution.

Representative Cobos voted Nay.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Dr. Mike Moshe Nangle covering an exhibition of dioramas at the Main Library of the El Paso Public Library System. This exhibit provides a "fascinating journey through Biblical time and history," to educate people of all ethnic-religious origins of our moral and ethical roots. The time and date are yet to be determined. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Mari Herman (for Compadres Cat Club) covering the exhibition, "Materials relating to cat care and cat shows plus cat memorabilia, etc.," at the Main Library of the El Paso Public Library System for the period of February 1, 2002 to February 28, 2002. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Cynthia A. Acosta covering an exhibit of "ceramic angels" at the Westside Branch of the El Paso Public Library System for the month of December, 2001. This exhibition is at no cost to the City.

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***RESOLUTION**

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

That the Library Director be authorized to sign an Exhibit Contract with Fred M. Morales covering the exhibition, "Cloudcroft," at the Clardy Fox Branch of the El Paso Public Library System for the month of January, 2002. This exhibition is at no cost to the City.

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*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 El Paso Museum of Art be authorized to serve wine and beer at One Arts Festival Plaza at the *Members Choice* reception on December 6, 2001 from 5:30 p.m. to 7:30 p.m.

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***RESOLUTION**

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

**THAT** the Mayor be authorized to sign a Location Agreement between the City of El Paso and KTSM TV Channel 9, a Broadcast TV Station, to have nonexclusive use, of a portion of Houston Park located at 900 Montana Avenue for two (2) days, as a filming site for the Sun Carnival Parade on November 21 and November 22, 2001.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Permit Modification for the McCombs Solid Waste Landfill Permit #729A, in accordance with all applicable Texas Natural Resource Conservation Commission regulations. This modification will be to allow for an increase in the number of gas monitoring probes as well as for the installation of one passive venting well. There is no cost to the City.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement with RUDOLPH HONDA, INC. to lease them One (1) 32 Gallon Container for a service fee of $5.00 each month and its recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR EDGEMERE ELEMENTARY SCHOOL, to lend it Six (6) 32 Gallon Containers, and Nine (9) 8 Gallon Baskets for its recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement with RIO GRANDE/RIO BRAVO BASIN COALITION (COALICION DE CUENCA DEL RIO BRAVO /RIO GRANDE) to lease them Three (3) 32 Gallon Containers for a service fee of $5.00 each month and their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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## *RESOLUTION

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

That the Mayor be authorized to sign an Agreement with the ANTHONY INDEPENDENT SCHOOL DISTRICT FOR ANTHONY ELEMENTARY SCHOOL, to lend it One (1) 4 Cubic Yard Dumpster and Two (2) 32 Gallon Containers, in exchange for its recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the La Cuesta Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

La Cuesta Drive - from Turner Drive to the end of cul-de-sac at Lots 11 and 12, Block 2
Saul Kleinfeld Drive - from Turner Drive to Montana Avenue
Gamboa Lane - from La Cuesta Drive to Saul Kleinfeld Drive
Turner Drive - from Saul Kleinfeld Drive to the east property line of Lot 50, Block 2

Drainage Improvements:

Ponding Area - at Lot 10, Block 1; with a 0.759 ac. area and a 4.514 ac-ft. Capacity; 210.0 ft. x 6.0 ft. high of Rockwall Fence and 620.0 ft. x 6.0 ft. high of Chainlink Fence with an 18.0 ft. of Double Swing Gate; 620.0 ft. of Concrete Sidewalk; 2-Headwall Structures with Wingwalls; 1-4 Grate and 1-1 Grate Drop Inlets Type I; and 70.0' of 24.0" R.C.P.
La Cuesta Drive - 1-4 Grate Drop Inlet Type I, and 32.0 ft. of 24.0" R.C.P.
Saul Kleinfeld Drive - 1-1 Grate Drop Inlet Type I, and 38.0 ft. of 24.0" R.C.P.

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*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for two (2) additional years, from February 1, 2002 through January 31, 2004, pursuant to the provisions of contract 2000-040, Roofing Materials, with Tremco Incorporated.

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|---|---|---|
| | Option No.: | One (of One) |
| Bid No. | 2000-040 | Roofing Materials |
| Amount of Award: | | $40,000.00 Annual Estimate |
| Account No: | | Fund 01101 Account 503200 |
| Funding Source: | | General Funds - Buildings Maintenance |
| Department: | | Public Works, Building Maintenance |

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*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Raul R. Hernandez, Police Officer

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Information Entry Operator (2)

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*Motion made, seconded and unanimously carried to approve the request from Federico G. Flores, of the Equipment Maintenance Department for Special Sick Leave.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-004 Carpenter Addition Street & Drainage Improvements Phase 3

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|---|---|
| Award To: | Quest Contracting, Inc.<br>El Paso, Texas |
| Base Bid I | $433,111.00 |
| Base Bid IA | $ 1,662.50 |
| Base Bid II | $ 58,328.00 |
| Base Bid III | $ 44,615.50 |
| Alternate #1 | $ 36,500.00 |
| Amount: | $574,217.00 |

| | |
|---|---|
| Department: | Community Development |
| Funds Available: | 71150069-G7127CD-0014-07638-508027 |
| Funding Source: | CD |
| Total Award: | $574,217.00 |

**RECOMMENDATION:**

The Purchasing Department recommends the award of this contract to Quest Contracting, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. **Lump Sum Component**
   As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. **Unit Price Component**
   Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

**DESCRIPTION OR EXPLANATION:**

| | |
|---|---|
| Base Bid I | $433,111.00 |
| Base Bid IA | $ 1,662.50 |
| Base Bid II | $ 58,328.00 |
| Base Bid III | $ 44,615.50 |
| Alternate #1 | $ 36,500.00 |

**TOTAL RECOMMENDED AWARD: $574,217.00**

. . . . . .

Motion made, seconded and unanimously carried to move to the Regular Agenda Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

Representative Sumrall asked whether the City has exceeded the time line for this project and whetherthe funds for this project may need to be utilized for another project.

Mr. Byron Johnson, Director of Purchasing, addressed Representative Sumrall's comments as follows: The Purchasing Department has concluded that the project is still on schedule and that the monies will not need to be utilized for another project.

Representative Medina thanked Mr. Rosales, JAR Concrete Company, for writing a letter withdrawing from the project. Mayor Caballero stated that Council Members would not accept anything less than top quality work on any City projects.

Representative Rodriguez stated that she would be at the construction site at least once a week for monitoring purposes.

Motion made by Representative Cook, seconded by Representative Medina and carried to award Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

| | |
|---|---|
| Contractor: | Silverton Construction Company, Inc.<br>El Paso, Texas |
| Department: | Community Development |
| Funds available: | 71150069-G7127CD0010-32002-508027 |
| Funding source: | CD |
| Base Bid I: | $618,067.00 |
| Base Bid II | $ 2,000.00 |
| Total Award: | $620,067.00 |

The Purchasing Department recommends the award of this contract to Silverton Construction Company, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. **Lump Sum Component**
   As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. **Unit Price Component**
   Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

**DESCRIPTION OR EXPLANATION:**

| | |
|---|---|
| Base Bid I: | $618,067.00 |
| Base Bid II | $ 2,000.00 |

Total Award: $620,067.00

**TOTAL RECOMMENDED AWARD: $620,067.00**

Representative Sariñana voted Nay.

. . . . . .

*Motion made, seconded and unanimously carried to approve the request of PIA Union to hold a procession on November 25, 2001 from 9:15 a.m. to 10:15 a.m. Route: Start at monastery of Christ the King (Cotton & Magoffin) onto Cotton, to Myrtle, to Brown, to Magoffin, back to monastery. This request includes permission to use amplification (PA system-40 watts). PERMIT NO. 01-159

. . . . . .

Motion made by Representative Cook, seconded by Representative Cobos and carried to move to the beginning of the agenda the request of Delta Battery 2nd Battalion 14th Marines to hold the Toys for Tots Bike Run on December 2, 2001 from 11:00 a.m. to 2:00 p.m.

Representative Medina voted Nay.
Representative Power and Representative Escobar were not present for the vote.

Representative Medina asked questions of Mr. Richard Gutierrez, Toys for Tots representative, regarding the Toys for Tots organization to which Mr. Gutierrez responded as follows:

Mr. Gutierrez explained that the Toys for Tots campaign was a non-profit organization under the Toys for Tots foundation. He stated that neither the United States Government nor the Marines fund any aspect of the toy donation. He stated that neither the Marines nor service personnel solicit funds from individuals but rather place donation boxes in various areas throughout the City. Many business organizations present checks in order that the Marines may purchase new toys for the children. He explained that the El Paso Biker Clubs are holding the event in support of Toys for Tots. The motorcycle clubs are holding the event to assist the Marines in collecting additional toys for the children. The national foundation of Toys for Tots maintains a checking account to which monies are withdrawn for the exclusive purpose of purchasing toys. He noted that any monies collected in El Paso are returned to El Paso for the purpose of purchasing toys.

Representative Medina moved to have the City sponsor the event, Representative Power seconded.

Ms. Rita Rodriguez, City Attorney, stated that a contract would need to be written in the event that the City was to sponsor the event. She suggested postponing the item one week.

Representative Sumrall remarked that the City has worked with the military personnel on behalf of Toys for Tots in the past. She commented on the amount of police officers and vehicles for the event and asked whether the Police Department might make an adjustment.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to postpone one (1) week the request of Delta Battery 2nd Battalion 14th Marines to hold the Toys for Tots Bike Run on December 2, 2001 from 11:00 a.m. to 2:00 p.m. Route: Start at 4810 Pollard, proceed on Hayes, Dyer, Fred Wilson, Railroad, McCombs, Loop 375 East to Montana, to Hawkins, Edgemere and finish at 1225 Airway Blvd. Approximately 600 persons and 500 motorcycles will participate. Request waiver of fees for $15.75 for processing of application and fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 01-160

Representative Cook voted Nay.

. . . . . .

*Motion made, seconded and unanimously carried to approve the request of Hispanic Leadership Institute to hold a parade on December 1, 2001 from 10:00 a.m. to 12:00 p.m. Route: Start at Ascarate Park, west on

Delta to El Paso County Coliseum (corner of Delta and Shelter). Approximately 2,000 persons and 10 floats will take part and 2,000 spectators are anticipated. PERMIT NO. 01-161

. . . . . .

*Motion made, seconded and unanimously carried to approve the request of Cathedral High School to hold a Pride Day parade on November 21, 2001 from 9:45 a.m. to 10:45 a.m. Route: Start at Kerbey and Stanton, proceed south on Stanton and end at Nevada. Approximately 200 persons and 20 vehicles will take part and 500 spectators are anticipated. PERMIT NO. 01-163

. . . . . .

*Motion made, seconded and unanimously carried to approve the request of Citizens For Family Values to hold a demonstration on November 24, 2001 from 4:00 p.m. to 5:30 p.m. in front of business at 6345 Alameda. Approximately 100 persons will take part. PERMIT NO. 01-165

. . . . . .

Motion made, seconded and unanimously carried to postpone three (3) weeks an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021

. . . . . .

**ORDINANCE 14977**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 10, EASTWOOD SECTION 1, EL PASO, EL PASO COUNTY, TEXAS (1139 CAPER STREET) FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana presented Council Members with exhibitions regarding this zoning change. He mentioned that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) denied this zoning change. He stated that, in his opinion, the CPC denied this zoning change due to the tremendous amount of opposition from the residents in the area. He stated that he and representatives from Las Palmas Medical Center met with the residents and discussed the issue further and the residents now fully support the zoning change and project.

Representative Sumrall stated her support for the project.

Mayor Raymond C. Caballero asked Ms. Patricia Adauto, Director of Planning, whether there were existing homes on either side of this property.

Ms. Adauto responded yes and pointed out that the recommendation of the DCC (Development Coordinating Committee) was unanimous to deny the zoning change and the CPC (City Plan Commission) vote was 5-2 to deny the zoning change. The primary reason for the denial was that the area was designated as residential. The Committee and Commission felt that the office use was an encroachment into the neighborhood. She explained that the Medical Center would rehabilitate the approximately 3,300 square foot dwelling, in addition to, paving the front and rear yards to provide parking on the site with access from Bois D'Arc and Caper Streets. She noted that two neighbors located directly on the side and across the street from the property are still in opposition, Mr. Campos, 7819 Bois D'Arc and Mr. Gardea, 7812 Bois D'Arc.

Mayor Caballero expressed his sympathies with the neighbors and stated that the protection and integrity of neighborhoods is a key component of a good, safe, clean city. He commended the DCC (Development Coordinating Committee) and CPC (City Plan Commission) for standing up for neighborhoods. He stated that one of the missions of this Council was to rehabilitate rental properties. He commented on the City and the El Paso Independent School District's initiative regarding employer assisted housing.

Representative Power stated that this project would not destroy the neighborhood due to the property's location being on the corner of the street.

Ms. Adauto clarified that the Notices sent to residents within 300 feet of the site proposed to be rezoned, does specify exactly what the intended use is, as submitted by the applicant. At the CPC (City Plan Commission) meeting the Planning Department provides the residents with the same information the Department has acquired from the applicant.

Representative Sariñana stated that he moved to approve the zoning case and to approve the zoning as requested by the applicant. He explained the condition, as part of the zoning change, if Dr. Soto does leave that the building be utilized as a doctor's office or a residential home.

Motion duly made by Representative Sariñana, seconded by Representative Power 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: Council Members Sumrall, Rodriguez, Power, Escobar, Sariñana and Cobos

NAYS: Council Members Medina and Cook Absent: None

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

. . . . . .

**ORDINANCE 14978**

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE TAXATION OF MOTOR VEHICLES LEASED FOR PERSONAL USE.**

Representative Sumrall asked Mr. Bill Chapman, Chief Financial Officer, whether the City was in violation when taxing motor vehicles leased for personal use in the past. She also asked if ad valorem tax could be charged to something that an individual did not own.

Mr. Chapman responded no. He stated this will allow the City to continue with what it was previously doing. He explained what the legislature states. He further explained that the tax is charged to the lessor, he cautioned people to read the lease carefully so as not to be charged.

Ms. Rita Rodriguez, City Attorney, explained that ad valorem is charged to whomever the owner is, but not charged for personal use in the home. The ad valorem is charged for real property but not personal property; however, in business there is an ad valorem tax.

Representative Cobos made comments regarding double-taxation.

Representative Medina asked that Council Members revisit this item during Budget hearings. He asked that the City Clerk's office add this item to an agenda prior to the budget hearings for next year.
Ms. Rodriguez stated that the item would appear on the first City Council meeting in June, 2002.

Representative Sumrall stated that the public should be made aware of that when leasing a vehicle, the lessor does not pass the tax on to the individual.

Motion duly made by Representative Cobos, seconded by Representative Sariñana 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: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

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

. . . . . .

**ORDINANCE 14979**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200 (RENTAL RATES AND USER FEES AUTHORIZATION) TO ESTABLISH OR INCREASE PROGRAM, ACTIVITY, LEAGUE AND TOURNAMENT FEES.**

The Resolution that the Schedule of User Fees prepared by the Director of the El Paso Parks and Recreation Department be accepted, pursuant to Section 13.24.200 of the El Paso Municipal Code was discussed concurrently with the Ordinance.

There was no further discussion on either item and the vote was then taken.

Motion duly made by Representative Sumrall, seconded by Representative Sariñana 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: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

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

. . . . . .

**ORDINANCE 14980**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 5, BLOCK 2, STILES GARDENS, EL PASO, EL PASO COUNTY, TEXAS (7108 NORTH LOOP) FROM C-1 (COMMERCIAL) TO C-2 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adauto, Director of Planning, explained the zoning case for Council Members' information. The public hearing was for an Ordinance changing the zoning of a Portion of Lot 2 and a Portion of Lot 5, Block 2, STILES GARDENS, El Paso, El Paso County, Texas (7102 and 7108 North Loop) as follows: Parcel 1, from C-1 (Commercial) to C-3 (Commercial); and Parcel 2, from C-1 (Commercial) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. She said the DCC (Development Coordinating Committee) recommended unanimously to deny the rezoning due to the single family residences adjacent to the property and that the CPC (City Plan Commission) recommended denial by a vote of 5-1. She stated that she had received one letter in opposition from the property owner who has property in between the two parcels, Mr. Richard Zubiate, 7106 North Loop Drive.

Representative Medina stated that he has investigated the two parcels and that he does not want to change the zoning for 7102 North Loop.

Mr. Luis De La Cruz, representing Mr. Modesto Paredes, applicant, stated that he is a Board Member of the ZBA and the BZAC. He asked if there were any individuals present, who were in opposition of the zoning changes, who wished to speak at this time. There being no reply, he continued speaking. He gave Council Members a description of the two parcels and explained what the intentions of the applicant were.

Mayor Caballero asked Ms. Adauto what the basis of staff's recommendation was and how the rezoning might impact the residential areas.

Ms. Adauto explained that the Department reviews each case individually. Due to North Loop Drive being designated as "mixed use", the Department was evaluating the case, the Department felt that C-1 already allowed for commercial use next to single-family dwellings. If Council allows for C-2 and C-3 zoning, which introduces other automotive uses, which is what is being requested, the site is near an elementary school and permits two intensive commercial uses within the same block.

Representative Medina moved to approve the zoning change of 7108 North Loop from C-1 to C-2 and deny 7102 North Loop from C-1 to C-3.

Motion duly made by Representative Medina, seconded by Representative Cook that the Ordinance be adopted as stated by Mr. Medina and as shown above as Ordinance 14980. 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: Council Members Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Absent: None

ABSTAIN: Council Member Power

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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**ORDINANCE 14981**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 012476 WHICH MODIFIED FEES, THE INDEMNIFICATION AND FIDELITY OBLIGATION ARTICLES OF THE STANDARD FOREIGN TRADE ZONE USER AGREEMENT, AND AUTHORIZED THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT TO EXECUTE USER AGREEMENTS FOR FOREIGN TRADE ZONE NO. 68 ON BEHALF OF THE CITY OF EL PASO.**

There being no other public comment, the vote was taken.

Motion duly made by Representative Medina, seconded by Representative Sumrall 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: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

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

. . . . . .

Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Title 20 (Zoning), of the El Paso Municipal Code to authorize the City Plan Commission to be the final authority on the approval of detailed site development plans, and amending Planned Residential I and II District requirements. The penalty being as provided in Section 20.68 of the Municipal Code.

. . . . . .

Motion made by Representative Medina, seconded by Representative Rodriguez and carried to approve the following guidelines recommended by the Public Works Legislative Review Committee for the Bond Overview Advisory Committee (BOAC)

Guideline No. 1: That an emergency situation exists. An emergency situation further being defined as one that involves health, safety, and welfare or
Guideline No. 2: That there is a significant cost savings. That recommendation has to be made by both the Department and the subordinate group or board, and the Bond Overview Advisory Committee or
Guideline No. 3: That there are matching opportunities to leverage the bond funding or
Guideline No. 4: That the change in priorities is cost neutral on the finances within the program year and the overall bond program.

Ms. Carole Hunter, City Clerk, stated that the guidelines were submitted in a Memorandum dated November 7, 2001.

Representatives Sumrall, Cook and Cobos voted Nay.
Representatives Rodriguez, Medina, Power, Escobar and Sariñana voted Aye.

. . . . . .

Discussion and action on the Resolution authorizing the Mayor to direct Legal Department to initiate a law suit to contest the County's right to collect Hotel-Motel tax revenue in El Paso County as requested by Representative Power.

Representative Power read from a prepared statement and explained that the County has withdrawn their funding from the CVB (Convention and Visitor's Bureau). He asked Mr. Meeks from the CVB to make comments.

Mr. Charles Meeks, Director of the Convention and Visitor's Bureau, stated that the CVB spends approximately $86,000.00 per month and with the County's withdrawal the Department will have to pare down to $80,000.00 per month. He stated that he would have to cut his staff and advertising.

Representative Sumrall stated that when the County does not pay their share it hurts the entire community.
Representative Cook remarked that instead of threatening a lawsuit he asked if Mayor Caballero would enter into dialogue with the County Judge to resolve this amicably.
Mayor stated that for the sake of the community he would continue the dialogue with the County.

Representative Medina, Representative Power and Mr. Ray Gilbert, citizen, offered comments to solve the problem.
Representative Escobar agreed with comments made by Mr. Gilbert in that a lawsuit would not be the answer; however, he admired Representative Power's passion for this and other issues. He asked that the Mayor take the lead on this issue and try and work the problem through. When Representative Power asked about the legal rights of the City, City Attorney Rita Rodriguez asked that the item be discussed in executive session. A motion was made by Representative Medina, seconded by Representative Escobar and unanimously carried to move this item into executive session.

. . . . . .

Motion made by Representative Cook, seconded by Representative Sariñana 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:

**A.** An Ordinance providing for the Issuance of City of El Paso, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2001A, in the Aggregate Principal amount of $34,200,000; levying a tax in payment thereof, prescribing the form of said Certificates, awarding the sale thereof, approving the Official Statement, and enacting other provisions relating thereto.

NOTE: Ordinance was revised to change the amount from "$31,000,000.00" to "$34,200,000.00" and the Public Hearing date was changed from December 4, 2001 to December 11, 2001.

**PUBLIC HEARING TO BE HELD ON DECEMBER 11, 2001 ITEM A**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Cobos voted Nay on the Introduction of the Ordinance.

. . . . . .

***ADDITION TO THE AGENDA***

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEDIAN LANDSCAPE AGREEMENT BETWEEN THE CITY AND JOBE CONCRETE PRODUCTS, INC. FOR A MEDIAN LANDSCAPE PROJECT BETWEEN MCKELLIGON AND HARRISON ON ALABAMA STREET, EL PASO COUNTY, TEXAS.**

WHEREAS, Jobe Concrete Products, Inc., (Jobe) has one of its principal business locations at McKelligon Canyon Road, El Paso, El Paso County, Texas and desires to make certain median landscape improvements near the property and between McKelligon Canyon and Harrison Roads on Alabama Street; and,

WHEREAS, the City finds it to be in the public interest for the improvement of street medians in the City; and,

WHEREAS, Jobe and the City find that it is in the mutual benefit of Jobe and the citizens of EPaso for the proposed median improvements to be constructed; NOW THEREFORE,

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

The Mayor is hereby authorized to sign a median landscape agreement between the City and Jobe Concrete Products, Inc. for a median landscape project between McKelligon and Harrison on Alabama Street, El Paso, El Paso County, Texas.

Representative Cobos thanked Mr. Jobe for his great community work.



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Representative Sumrall explained that this Resolution was discussed several years ago and is an excellent idea. She stated she hoped other companies would follow Jobe's lead.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

. . . . . .

***RESOLUTION**

**WHEREAS,** the Environmental Protection Agency (EPA) has delegated the permitting duties related to the administration of the National Pollutant Discharge Elimination System (NPDES) to the Texas Natural Resource Conservation Commission (TNRCC), such system now known as the Texas Pollutant Discharge Elimination System (TPDES); and

**WHEREAS,** the TNRCC has requested from the City the submittal of Notices of Intent, with relation to the Clint Landfill, McCombs Landfill and Sun Metro facilities, to be submitted to the TNRCC in Austin, Texas by November 19, 2001 in order to be considered timely submitted; and

**WHEREAS,** the Mayor signed and authorized the submission of such Notices of Intent and related documentation on November 16, 2001, in order for the City of El Paso, as TPDES permit holder, to be considered timely in its filing and avoid possible penalties;

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

THAT the actions of the Mayor on November 16, 2001, in signing and authorizing the submittal of the Notices of Intent to the Texas Natural Resource Conservation Commission, regarding the Clint Landfill, McCombs Landfill and Sun Metro Facilities, are hereby ratified.

. . . . . .

*Motion made, seconded and unanimously carried to approve the request to expend FIVE THOUSAND DOLLARS ($5,000.00) from District 4 Special Projects Fund to be used for funding a pilot spay and neuter voucher program, by Representative John Cook.

. . . . . .

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Removal of Paul Strelzin from the Cable Communications Commission by Representative Jan Sumrall.

Representative Sumrall stated that she had not received a letter of resignation from Mr. Strelzin; however, he did call and tell her he was resigning. During the telephone conversation, Mr. Strelzin stated that he did send out letters to Representative Sumrall, the Cable Commission and to the City's Legal Department. She stated that since Mr. Strelzin has resigned verbally, does she need the written letter of resignation. She stated that Mr. Strelzin was an excellent member of the Cable Commission.

Ms. Rita Rodriguez, City Attorney, stated that a written letter of resignation was required.
Representative Sumrall moved to approve the removal of Mr. Strelzin from the Cable Commission, Representative Cobos seconded.
Mayor Raymond C. Caballero asked whether Representative Sumrall had received the letter of resignation and if there was a deadline.
Representative Sumrall responded that she had not yet received the letter and asked if the item might be postponed.
Ms. Rodriguez stated that the item could be postponed.

Mayor Caballero stated that if the letter was not received by November 27, 2001, then Representative Sumrall would remove him from the Cable Commission.

Ms. Rodriguez suggested that when Representative Sumrall received the letter of resignation that it be forwarded to the Mayor's office.

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to postpone one (1) week the removal of Paul Strelzin from the Cable Communications Commission by Representative Jan Sumrall.

. . . . . .

RESOLUTION

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

That, the Schedule of User Fees prepared by the Director of the El Paso Parks and Recreation Department be accepted, pursuant to Section 13.24.200 of the El Paso Municipal Code.

. . . . . .

Motion made, seconded and unanimously carried that the City Council retire into **EXECUTIVE SESSION** 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 |

Discussion and action on the following:

**A.** Discussion and action of a Resolution authorizing the Mayor to direct Legal Department to initiate a law suit to contest the County's right to collect Hotel-Motel tax revenue in El Paso County as requested by Representative Power.

**B.** Luz E. Sandoval Walker, 01-C-293

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows: Representative Sariñana was not present for the vote.

. . . . . .

Motion made by Representative Sumrall, seconded by Representative Cook carried and to postpone four (4) weeks the discussion and action of a Resolution authorizing the Mayor to direct Legal Department to initiate a law suit to contest the County's right to collect Hotel-Motel tax revenue in El Paso County as requested by Representative Power.

. . . . . .

*Motion made, seconded and unanimously carried to delete Luz E. Sandoval Walker, 01-C-293

. . . . . .

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting.

APPROVED AS TO CONTENT:

Carole Hunter

Carole Hunter, City Clerk

APPROVED AS TO FORM:

Rita Rodriguez, City Attorney



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RAYMOND C. CABALLERO
MAYOR

CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 19, 2001

The City Council met in special session at the above place and date at 9:00 a.m. Mayor Raymond Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Council member Paul J. Escobar was not present.

. . . . . .

The agenda was as follows:

1. Discussion and action on adoption of Phase II (implementation) of the Municipal Strategic Plan.

2. Presentation on the Strategic Development Process and recommendations submitted by the Executive Team.

3. Discussion and action on authorization for the Planning, Research & Development Department to prepare and publish an Executive Report of the Municipal Strategic Plan.

. . . . . .

Attached to the minutes and on file in the City Clerk's office are Phase II Strategic Plan Development Implementation Actions - Executive Team Recommendations spreadsheet and memorandum provided by Ms. Pat Adauto, Director of Planning, Research & Development. Ms. Adauto did a detailed presentation of the Team Recommendations spreadsheet and made the comments that follow.

Purpose for the Strategic Plan:
Per the directive of the Mayor's Office, the development of a Strategic Plan for the City began on July 6, 2001. This strategic planning process is meant to provide direction based on the City's desired future. It is expressed in a five- to ten-year time period and is the process needed for organizational transformation (provides for the means to adapt services and activities to meet changing needs of the community). The first part of the plan development assesses the internal effectiveness of the City (our local government resources), and takes this information to develop a vision or mission for the future. It provides a framework for the improvement and restructuring of programs, management and collaborations, and for evaluating the City's progress in these efforts. Phase I of the City's strategic statement was approved by City Council on August 17, 2001. This approval led to the continued work on Phase II of the project.

The next part of the plan development (Phase II) involves a detailed description of the steps that must be taken in each unit or program in order to reach the City's long-term goals (implementation), as well as a framework for evaluating progress. The phase is expressed in a two-year time period (Fiscal Years 2002 and 2003). Th Plan is intended to focus allocation of limited financial resources and personnel using a prioritization system that is influenced by the City's vision, planning and goal setting. This occurs at every departmental level, within each program and unit of the City government. The focus is on short-term activities that may lead to goal achievement.

Mayor Caballero thanked Ms. Adauto, the staff, department heads, and all the departments that participated in the development and process of this effort and mentioned how proud he is of everyone.

Ms. Adauto explained that this started per a directive from Mayor Caballero where he assigned the Planning Department to internally assess every City department. Ms. Adauto made the following comments: The City of El Paso is a dynamic city with a rich colorful history but the question is can it be more and the answer is absolutely. As a larger city on the U.S. international border, El Paso has a great potential to be a great competitor-international community, that is a community that draws trade and tourism. To ensure El Paso's future in that international setting, it must build on its image. This means improving its educational opportunities, enhancing economic development, insuring neighborhood sustainability, and assuring environmental resource management. Under the leadership and direction of Mayor Caballero, a collective vision for the future has been developed in a guiding document and municipal strategic plan. This plan will provide direction in making decisions that affect our city, in demographic, physical, economic and cultural areas. On July 6, 2001, an internal assessment was requested by Mayor Caballero, City departments were asked to look into the future and find strategies for ensuring El Paso's success in that international setting. The process was undertaken in two phases. Phase I incorporated five steps, development of a vision, identification of goals, identifying community challenges, creating strategic elements, and identifying strategies within each element. Phase I of this document was presented to City Council on August 17, 2001 and approve unanimously by City Council. Ms. Adauto continued to read the executive team recommendations into the record, which are attached to the minutes, and on file in the City Clerk's Office.

Representative Sariñana asked in regards to the education, if we had invited anyone from the El Paso or Ysleta School Districts.

Ms. Adauto responded that the plan was divided into two parts. The first part was the internal assessment. That is what the City, internally within each of its City departments, can do to meet these goals and vision. Part two of the plan would be to go external to City Hall and that is proposed for fiscal year, FY 2003. She mentioned that more explanation would be provided as the presentation develops.

Representative Sariñana suggested that it is important that the education be linked into the internal part due to the lack of communication between the City and school districts, since we are going to be focusing on education and working with them.

Mayor Caballero responded that the internal process is over and now we go out. He stated that it is a very valid suggestion.

Ms. Adauto explained that as part of the implementation in Phase II, there are various actions recommended by each of the City departments that affect each of those strategic elements, including education. There are provisions for including school districts, for example, in the development review process. We have the consolidation of services initiative and we are proposing to expand one of the action items recommended in Phase II.



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Mayor Caballero explained that after they go through this next process then the City could come back and recast this and incorporate everything.

Comments were made by Representative Sariñana, Mayor Caballero and Ms. Adauto regarding working with the School Districts.

Ms. Adauto continued with the following comments: Since August 17, 2001, the executive team has been meeting to develop and identify actions that may be taken under each strategic element. This was done at departmental level through an examination to reach the stated goals. Implementation requires steps that are to be taken under each element. In order to accomplish this phase, the following instructions were provided:

1. Focus on short-term activities (2 years) that lead to local government.
2. Provide framework for evaluating and revising progress of act.
3. Provide detailed description of tasks to be undertaken within each department.
4. Departmental action based on the following:
    - New task, activity or program
    - Major initiatives for attaining goals and objectives
    - Measurable in quantified terms
    - No additional cost in FY 2002

A total of 636 implementation actions have been recommended through the internal assessment. Of these actions, 390 are proposed within FY 2002 and 246 within FY 2003. We are prepared to start immediately more than half of the actions that have been recommended through this plan within each of our respective City departments. The actions identified in the presentation are representative only and are not intended to show any preference of priority. Ms. Adauto proceeded with the spreadsheet presentation.

Representative Medina suggested that we review every one of the 636 action items, one at a time, and discuss the steps. Representative Cobos asked if all of the 636 steps are individually going to require City Council approval.

Mayor Caballero responded that some of them would. Ms. Adauto clarified that under the Needs/Cost column of the spreadsheet, it identifies whether it would require other entities or Council's action as well as costs.

Representative Medina and Representative Sumrall commented on the excellent project.

Representative Sumrall asked if at any point in time these recommendations would be taken before each of the boards.

Ms. Adauto responded that only those items that require board approval and that is shown in the Needs/Costs column.

Representative Sumrall asked about going out to the public and if there would be posted meetings around the city.

Ms. Adauto responded that the idea is, that once City Council looks at the internal side of this, and if they approve, they will begin immediately to implement the actions that they have identified in FY 2002. She continued with the following: Their proposal is that in mid-year of 2003, they will re-look at the strategic plan, updated, make changes that are necessary and at that point take the plan out to the public. Meetings will be held in each of the Representative's districts and they will call on the business community and community organizations to input into the plan on how they can help meet the vision and goals that are enumerated in the plan.

Mr. Charlie McNabb, Chief Administrative Officer, suggested that Ms. Adauto could hit representative projects and talk about them and then we could set up further meetings and perhaps organize them by the lead department such as budget hearings otherwise it would take 10 hours to go one by one.

Mayor Caballero suggested that they come up with a strategy, such as to talk about those that have a significant budgetary implications, some controversy, difference of views, or something particularly positive that somebody might want to talk about.

Representative Power asked if the needs/cost will supercede what they already have in their budget for 2003; the needs/costs would reflect additional requests for 2003 budget.

Ms. Adauto responded that there would be no new requests for additional funding under the 2002 recommendations.

Representative Power asked for a list with the overall impact of the needs/costs for both years.

Ms. Adauto responded that projected estimates have been identified for each action item but there is no tally. She proceeded to suggest that one way to approach this would be to take it either by strategic elements and areas where they would like discussion on, and have the departments come up and respond to their questions, or take it by department and have the department heads respond to questions.

Mayor Caballero stated that they would use Ms. Adauto's recommendation to take it department by department and follow the alphabetical order from the spreadsheet and have the department head come up individually answer questions.

Mr. Terry Williams, Deputy Director of Building Services, explained that what is about to be approved today the concept and not where the funds are coming from. He went on to say if funds are not available, you ca.. worry about the funds later; you are not committing today to anything.

Representative Power asked questions of Ms. Alejandrina Drew, Arts Resources Director.

Ms. Drew explained that they already have a marketing plan in place but this will allow them to expand it, allowing them to target more people than they have budgeted for, since they have not really put any funding into the marketing efforts. She mentioned that people know about their events but there are still many people out there who do not and that is who they need to reach. She added that this would require staff time and no additional funds.

Mayor Caballero suggested the following to give more life to the downtown area:
1) develop a summer home for the El Paso symphony and music groups
2) lead an effort to see if the federal government will provide a shell at the Chamizal Memorial for example, for music under the stars
3) develop a budget by getting additional local community funding.

Representative Medina asked how much is the Arts Resources' budget? Mr. Drew responded that it's about $590,000. She added this is in addition to funding from other corporations and some grants that are pending for a total of close to $700,000.

Representative Medina commented on wasting time and money on a wish list.



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Ms. Drew responded that what they have presented for year 2002 is doable and not a wish list. She stated the year 2003 might be a wish list because it still has to go through the budget process. She said she really believes the department heads were talking about doable things for year 2002. Ms. Drew offered to go to anybody's office and review any particular item. She also mentioned that she is open to suggestions that Council may have as well as deletions.

Mayor Caballero suggested that if there are things that you want to knock out due to budgetary reasons, this process is supposed to tell you things that the departments intend to do specifically further the goals. He said he did not know how many times he had heard from this Council that we have to promote tourism, make ourselves more attractive, promote the arts, etc.; here it is. He went on to say if you do not want to support and keep it, then knock it out.

Representative Medina stated that these are great ideas and if it is just a concept let's approve it. He said we will be revisiting every single department again in FY 2002 and FY 2003.

Representative Power echoed Representative Medina that the ideas are great but where is the hard concrete action that you intend to implement? He went on to say what good does it do if we hire somebody to do a market analysis that goes nowhere; it is just a waste of money. He reiterated that he could understand Representative Medina's concern because he is also concerned with the money involved to realize these projects and the concept itself.

Chief Administrative Officer Charlie McNabb commented that he has worked for this City for 23 years and this is the first time that department heads have come together as a unified group, spent hundreds of hours developing for you their concept of what will make this a great City. He went on to make the following comments: The details that are here, the 636 action items, are things that will either be developed or not in the future but we are planning and dreaming for you, we are creating something for you to be able to take and use and make a great City. We are only here today asking for you to approve the concept, not to approve each one of these items. We understand that there are budgetary constraints, physical limitations, but our department heads have spent this time to develop a blueprint to create a great city. We are asking for you to approve the concept and then let all of us go forth and try to do these things.

Representative Medina responded that he is just being realistic because they will end up revisiting every item and even sending them to legislative review, all of it being a waste of time and resources.

Mr. McNabb suggested that Ms. Adauto give a broad overview of the plan and not get into the details because you will see them again and again as they are implemented.

Representative Sumrall stated that there have been many dollars spent in the past for all these plans, but the problem with all those plans was that it was put together by out of town individuals and not the department heads and the employees that know the facts of life in the City at this time.

Representative Medina suggested that we look at every item individually.

Representative Cook suggested that as department heads come up, they highlight the items that they think would be of common interest to everybody.

Ms. Adauto suggested that we have a representative of each department come up and touch on key issues and anything else that Council would like to discuss.

Representative Sumrall asked about the golf club resort on Airport property. Mr. Pat Abeln, Director of Aviation explained the possibilities.

Representative Sariñana asked about the item to improve Cielo Vista Golf Course Club House & Restaurant, if it was not part of the contract that was awarded last year under the Ramirez Administration.

Mr. Abeln responded that it was an element of the extension of the contract.

Discussion followed about partnering with the Juarez Airport staff to create new joint marketing activities.

Mr. Abeln also responded to these comments. Representative Cobos discussed Items #33 and #34, to create new xeriscaping for Airport Entrance and Landscape Butterfield Trail Industrial Park Median & Retention Ponds respectively. He suggested that we should look at xeriscaping anywhere possible throughout the City and we should consider passing an ordinance for any new homes built. Representative Sumrall commented on the ordinance in place.

Mr. Terry Williams, Deputy Director of Building Services, was present to answer any questions pertaining the Building Services Department. He briefly went over his list.

Representative Sumrall expressed her concern with item #65, "Modify the City's condemnation policies & Ordinance; establish a citizen review board to decide condemnation cases."
Mr. Williams responded to her concerns.

Representative Sumrall expressed her disagreement with Mr. Williams because as it is the process is already very political and that people that do not keep their buildings up and do not pay their taxes, as it is they are lobbying us and just think of what they will do to the citizens on that board.

Mayor Caballero recommended to Council that the item be deleted.

Mr. Williams suggested that this is a general concept in recognizing that the condemnation process needs to be revised and one of the elements would be to look at whether or not we should change the process now because it comes all the way to City Council or do we streamline it by sending it to the citizen board.

Mayor Caballero asked City Council for any suggestions to the process.

Mr. Williams commented that the condemnation process does need to be revised or we will face some legal problems with our current wording.

Representative Cook suggested that this be sent to the Building and Zoning Advisory Committee, Legislative Review, and Building Services where it can be fine tuned and where the whole condemnation process can be discussed and brought back to City Council.

It was decided to modify the description on that item to read as follows: "Modify the City's condemnation policies & Ordinance; to consider, review and process removing to establish a citizens' review board to decide condemnation cases."

Motion made by Representative Sumrall, seconded by Representative Cobos, and carried to approve the revision mentioned above. Representative Medina abstained from voting.

Representative Medina made a motion to incorporate the aviation strategic plan and development information actions to add a study for the sports arena at airport land, to item #49.

Mayor Caballero suggested that we look at the next step on the existing studies to the arena, not specific to th location, but the next step that we are supposed to be moving to under that study.



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Representative Cobos suggested that we reactivate the Arena Committee that has been dormant.

'ayor Caballero suggested the item be added separately under Public Works.

Motion made by Representative Sariñana, seconded by Representative Cobos, and carried to add the consideration of the arena study under any location. Representative Medina abstained from voting.

Representative Power asked Mr. Williams if he was already addressing the landscaping parkways and medians.

Mr. Williams responded that #54 addresses landscaping on residential construction and that item #59 addresses median landscaping.

Mr. Ed Drusina, Director of Public Works, mentioned that items #513 and #515 address median landscaping.

Mr. Williams commented on the discussion of all this being conceptual. It's conceptual that we find details and explain the tasks and I can assure you that all the tasks in the Public Works section will be accomplished.

Mayor Caballero reiterated to Council members that is exactly the reaction he wanted to get from them on questioning the items.

Representative Cook asked if items #56 and #57, Operation Clean Sweep, were to be expanded into other areas.

Mr. Williams explained that they are expecting to complete the initial operation clean sweep, which are the four ain streets in the city, this month. He said, we expect to go to the next phase which is the downtown sweep and the third step in the process will be the individual districts.

Ms. Rita Rodriguez, City Attorney, was present to answer any questions pertaining to the City Attorney's Department. She mentioned that the six items listed are not the only thing that the City Attorney's office does. She said the department provides support for all the departments in identifying legal ways that these implementations can be done, and in some cases creating them either through ordinances or finding something in the state law that allows the City a way to do the things that are required or also proposing legislation during legislative times for both federal and state in order to have legal mechanismsto do the things that need to be done.

Representative Power commented about the strategic plan and did not want the department heads to get the impression that Council is ungrateful because we have this wonderful branch at our disposal as City Council members. He added how deeply grateful Council members are for their work and their vision for the City because it's what we all need to move forward.

Representative Sariñana questioned why we have to wait until Year 2003 on item #74 to make this implementation work if the Public Service Board really wants to sit down with the City. He stated this could be something that would save the taxpayers a lot of money.

Mr. Williams expressed his concern since he was one of the initiators. Mr. Williams made the following comments: The concept was that many other cities do not pay themselves for water. The water used for parks, median landscaping, or even other city buildings, is not charged by the water utility. My thought is consider looking at that aspect starting with the parks, the landscape medians, the landscape parkways and eliminate the charge for water. Obviously, I am not suggesting the PSB swallow that because they can't but the second step in the process is that if you all as the Council agree andthe PSB Board agrees then this is an area we should go for. I think that as citizens of El Paso, if you want a nicer cleaner city, better looking parks, it takes water and it is one of the big expense items, all of us ought to be willing to pay a little more in our water bills to offset that loss.

Mayor asked when charging the City for water began and what was the reason.

Mr. Charlie McNabb, Chief Administrative Office, responded that as far as he knows it has been done since the Public Service Board was established.

Mr. Bill Chapman, Chief Financial Officer, responded that this has been an ongoing issue since he has been with the City. He stated the City Attorney's office and he met with Mr. Archuleta and the bond covenants state they cannot give away the water below cost; it deals with the bond covenants of PSB. He stated they have never really defined nor shown what is the true cost of water.

Representative Sariñana commented that then they are actually selling it to us for cost and mentioned that he understands that it cost the PSB about $165 per acre feet of water to clean it and get it ready for drinkable water. He stated he would like to know how much they are selling acre-feet to the City; there has to be a way to finding that out.

Mayor Caballero requested that they give him marching orders on a consensus item so that he can go to th PSB and present the issue.

Representative Cook mentioned that this is very similar to Solid Waste Management having to contribute to streets, it is the same philosophy.

Mr. Chapman responded that it is not similar; that is an indirect cost recovery for providing services and also the damage precedence.

Representative Cook stated that his point is that it is an indirect cost recovery for what they use to process water, water is not free.

Mr. Chapman stated that we should be paying the cost of water according to the bond covenants.

Representative Sariñana questioned if they do give it to us at cost.

Ms. Emma Acosta, Solid Waste Management, stated that SWM does not charge the city departments for services, the users are paying for it.

Ms. Wendy Hebstreit, Comptroller, was present to answer any questions pertaining to the City Comptroller's Department. She proceeded to explain that there are two main features to the strategic planning process for the Comptrollers office, one of which is to make the capital market more accessible, the financial information more accessible to a wider audience by translating some sections into Spanish and the other is to implement city wide cashiering so that anyone needing to pay anything to the City would be able to do so at the nearest location possible and not have to worry about coming to City Hall.

Representative Sumrall explained that she would like to delete item #76, provide educational opportunities to three staff accountants to achieve CPA certification, because paying for someone's CPA certification is almost guarantee that they will not work for the City anymore because they are put in a position where they can go out and get paid a lot of money. She said her concern is that if we did it for people in the Comptroller's office, would we not pay to have other people get their certification in a certain area. She cited an example, a nurse at the County Health that wanted to become a physician's assistant, which is right under a doctor, would we pay for that as well, giving them the time to go or something like that.

Ms. Hebstreit explained the educational opportunities for achieving a CPA certification and what it wouldd o. She said we only have 4 or 5 CPAs throughout the City, one of them which is the Chief Financial Officer and he does not do any direct accounting.

Representative Cobos asked if there are not any educational perks for employees.

Ms. Terry Bond, Personnel Director, said item #399 addresses the issue in a broader way. She said we will consider other career paths for other departments later on.

Ms. Debbie Hamlyn, Director of Community & Human Development, was present to answer any questions pertaining the Community Development Department.

Ms. Hamlyn commented that they incorporated the goals into their strategic planning process so that people who are coming in right now to ask for funds from the city, if they do try to meet their goals or strategic elements of the plan, they are going to get extra points right now.

Representative Cook commented that he is glad to see item #101, perform a feasibility study on City's opportunity as an affordable housing developer; it is something we should have done many years ago.

Ms. Hamlyn proceeded to comment on a new item #96. She stated if it works we are going to continue to do that on a regular basis at different locations. She said the CDBG will require our applicants to incorporate artwork into our new public facility.

Representative Cobos asked about condemned buildings and asked if there are any ways that CDBG monies can be used to rehab those areas?

Ms. Hamlyn responded that they do assist them.

Representative Sariñana commented that when the City makes the motion for condemnation or demolishing it's already too late for them to correct that.

Mayor Caballero responded that they are working on devising a process although it is not on the spreadsheet, to correct the two issues that Representative Sariñana had raised so that they can save the homes. He stated it is a historical issue.

Representative Cook mentioned that the real issue here is the difference between condemning and demolishing.

Representative Sariñana commented that most of the condemned houses that appear here are for demolishing.

Mr. Roberto Franco, Director of Economic Development, was present to answer any questions pertaining to the Economic Development Department. He proceeded to explain that some items to be done differently this year are basically reporting opportunities for the expansion of the financial services industry, positioning the city an international banking center in order to attract international banks to the community, and applying for grant funding from the Economic Development Administration for re-adjustment strategy. He made the following comments: We will be meeting with the Fort Bliss officials to try to assess which defense related industries does the community of El Paso need to attract and recruit. We will be identifying with the Texas Workforce Commission and the Community College skills and infrastructures needed to attract high tech and medical related industries and customize a set of packages to meet both needs. We are also going to prepare and implement strategies for developing local businesses in the medical and high tech industries as well. We are also going to focus the resources to target local small businesses developing an expansion program as well. We will also be establishing a routine to develop a marketing plan to seek and develop a nationally recognized retirement community in El Paso, something like Sun City Retirement Community.

Mayor Caballero suggested that he would like to consider adding tax incentives and he is interested in finding somehow a pot of money, possibly twice as much as the one we have, to use in a targeted way where we go out and look for certain businesses to come here or to start out operations in a way they were intending to. He stated in other words, be pro-active, where you really put an attractive package such as land, leases, money, and all sorts of things where someone really has to think twice in turning it down. He went on to say it is obviously not on the FY 2002 budget but he would like for Economic Development to start working on it and look at that concept and how do we fund it.

Representative Power stated that it is a very good plan and we should go out and get the business instead of waiting for businesses to come to us.

Representative Sumrall mentioned that she, along with the rest of the Council members, has volunteered to g with Mr. Franco several times over the years if he needed a Council member to go with him. She proceeded to state that she would like to make sure that the group that goes on these trips will have the ability and authority to make commitments; it is very important that the Mayor goes with him.

Mayor Caballero stated that this is just a comment and the details would involve the County and some of the other folks to get involved with this. He agreed that it is very important to send along somebody that can make commitments down the road.

Representative Power stated that San Antonio has developed task forces that were going to be sent out around the nation and they knew the guidelines and what they were going to offer in order to pull in businesses. He stated we need bodies, money, and we need to have objectives.
Mr. Franco responded that he would look into developing task forces.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve to locate a pot of money to fund the pro-active targeting of certain firms and developing a task force(s).

Representative Power asked in regard to item #126, introduce new companies to the County, school districts, El Paso Community College & UTEP to develop partnerships in education & workforce development, don't hospitals play a big role when it comes to bringing in companies from out of town. He requested that we add hospitals to the list.

Mr. Franco responded that hospitals do play an important role because they are part of the quality of life issues that corporate executives look at.
Mr. Franco responded that he would include hospitals into item #126.

Representative Sumrall requested that our task force totally know what the Border Health Institute is going to need, and go out and recruit people specifically for the medical complex.

Mr. Franco explained that companies will have to comply with the terms and conditions set in the contract in order to get the abatement. He stated if the company decides to relocate from the zone, there is a recapture clause to recoup taxes from the company.

Representative Power stated that he would like to clarify that Council sets the standards for the incentives and to create a task force to carry on it's objectives. He proceeded to ask when would the tax abatement policy be created.

Mayor Caballero responded that he has been talking to the State, not sure about the County, and mentioned that he would like to get a draft in the next three or four weeks. He went on to say in the meantime, we are receiving applications and always have.

Mr. Ed Drusina and Gonzalo Cedillos, Director of Public Works and Deputy Director of Engineering respectively, were present to answer any questions pertaining to the Engineering Department.

Mr. Ed Drusina pointed out item #134, which is to revise A/E Selection Ordinance to limit membership to City staff only.

Representative Power stated that if we agree to this, we would be giving these individuals an extreme amount of power; there needs to be a checks and balances.

Ms. Rita Rodriguez responded with the following statement: "City employees are subject to not only the ethics ordinance but also to city statutes and that would prohibit any sort of kickback or anything that you are referring to". She added that part of the oversight is City Council.

Representative Cobos mentioned that Council hardly ever questions department's recommendations.

Motion made by Representative Cook, seconded by Representative Cobos and carried to revisit the A/E selection ordinance and have a legislative review meeting. Representatives Medina and Power abstained from voting.

Mayor Caballero stated that it is going to take a while to go through these items but that he wanted to get it started.

Representative Sariñana stated that he wanted to comment on the building of streets now that we were talking about Engineering. He stated the following, "if we are going to build, we are going to build durable streets."

Mayor Caballero suggested that it should be brought up perhaps when we discuss the Streets Department of Public Works. Representative Sariñana stated that he feels it is important to bring it up since we are talking about things that need to be changed and developed.

Representative Power sympathized with Representative Sarinana's point and added that we should have a specific policy for scoping a project.

Mr. Charlie McNabb suggested that an item be added that would indicate to review the engineering policy rather than touch on a specific point.

Representative Cobos asked about the design and build policy.
Mr. Drusina responded that we are in the process of developing it.

Mr. Byron Johnson, Director of Purchasing, explained that the policy will be going to a Legislative Review meeting and then it will come back to Council.

Mr. McNabb reiterated the wording on the item to be added to read as follows: "Engineering staff re-examine policies and procedures for quality assurance and bidding procedures and costing of projects.

Mr. Drusina reworded the item to read as follows: "Engineering Staff re-examine policies and procedures for quality assurance for developing the scope providing the estimates to assure that they are within or in concert with the department's and intended budget (FY 2002)."

Motion made by Representative Cook, seconded by Representative Power and carried to add the item to the Engineering Department as stated by Mr. Drusina.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:30 a.m.

APPROVED AS TO CONTENT:

Carole Hunter

Carole Hunter, City Clerk

APPROVED AS TO FORM:

Rita Rodriguez, City Attorney



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