

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL ROBINSON, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
FEBRUARY 16, 2010  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, and Steve Ortega. Late arrivals: Beto O'Rourke and Rachel Quintana at 8:36 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:39 a.m. during Executive Session deliberations, and Eddie Holguin, Jr. at 8:48 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. **AGING AND DISABILITY RESOURCES CENTER DAY**
2. **NATIONAL GIRLS AND WOMEN IN SPORTS WEEK**
3. **NATIONAL ENGINEERS WEEK**
4. **ESTHER CHAVEZ CANO DAY**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Matt Carroll
2. Mr. Ruben Quintana
3. Ms. Lisa Turner

Mayor Cook and Representatives O'Rourke and Byrd commented.

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

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071           CONSULTATION WITH ATTORNEY
- Section 551.072           DELIBERATION REGARDING REAL PROPERTY
- Section 551.073           DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074           PERSONNEL MATTERS
- Section 551.076           DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087           DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE:   Representatives Lilly, Quintana, Holguin, and O'Rourke

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:02 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representatives Acosta, Quintana, Holguin, and O'Rourke

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**EX1.**   Claim of Luis Terrones; Our File No. 09-C-131. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and carried that the City Attorney's Office be authorized to **DENY** claimant's settlement demand in the claim of Luis Terrones, Our File No. 09-C-131.

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

NAYS: None

ABSTAIN:    Representative Holguin

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**EX2.**   Legal Issues regarding Franchise Agreement with ONEOK WesTex Transmission, LLC.

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

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

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

NAYS: None

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**1.    APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 9, 2010.

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

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

**3A.**

**\*RESOLUTION**

That the City dedicate a .107 acre of land out of a .341 acre Tract of land, Elijah Bennett Survey No. 11, City of El Paso, El Paso County, Texas and being more fully described by metes and bounds in Exhibit "A" and survey in Exhibit "B" attached hereto and made a part hereof, for use as a public right-of-way to allow Alameda Avenue to be widened.

**3B.**

**RESOLUTION**

That the Mayor and City Council review and accept the El Paso Police Department's Contact Data(Racial Profiling) Annual Report covering the period of January 1, 2009, through December 31, 2009.

Mayor Cook and Representatives Robinson, Holguin, Acosta, and Byrd commented.

Assistant Police Chief Eric Shelton and Mr. William Studer, Deputy City Manager of Financial and Public Safety, commented.

Ms. Lisa Turner, citizen, commented.

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

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

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

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

**3C.**

**\*RESOLUTION**

**WHEREAS**, Mr. Al Jefferson, was a respected activist and founder of several civic groups, including the Westside Upper Valley Forum and the Westside Upper Valley Voters Coalition; and

**WHEREAS**, Mr. Al Jefferson was a strong advocate for improving our public transportation system and presented sound and practical ideas that are a distinct part of our present Sun Metro system; and

**WHEREAS**, Mr. Al Jefferson was a man true to his principles, he knew how to drive, but lived many years without a car relying on public transportation and made a lasting difference in the lives of others and will be remembered with great admiration and appreciation for his lasting contributions to our community; and

**WHEREAS**, Mr. Al Jefferson was a former member of the Citizen's Advisory Committee for the Board of the Mass Transit Department; and

**WHEREAS**, Mr. Al Jefferson had served the City of El Paso with integrity and compassion, and is truly deserving of recognition for his many contributions to its growth and progress; and

**WHEREAS**, on May 19, 2009, the Citizen’s Advisory Committee for the Board of the Mass Transit Department (“Citizen’s Advisory Committee”) met and approved a recommendation to name the soon to be completed Westside Transfer Center after Mr. Al Jefferson.

**WHEREAS**, the Mayor and City Council accept the recommendation from the Citizen’s Advisory Committee to name the new Westside Transfer Center located at 7535 Remcon Circle the Al Jefferson Westside Transfer Center.

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

That the Westside Transfer Center shall henceforth be named and known as the Al Jefferson Westside Transfer Center.

**4. APPLICATIONS FOR TAX REFUNDS**

\*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Stewart Title of El Paso in the amount of \$3,343.00 overpayment of 2009 taxes. (PID #A438-999-0050-2700).
- B. Independence Title Co., in the amount of \$3,068.38 overpayment of 2009 taxes. (PID #A670-999-0070-1000).
- C. Bank of America in the amount of \$3,920.46 overpayment of 2009 taxes. (PID #B318-999-0020-1300).
- D. Rocky Mountain Mortgage Co., in the amount of \$3,698.62 overpayment of 2009 taxes. (PID #C105-000-0440-0400).
- E. Flagstar Bank in the amount of \$6,501.76 overpayment of 2009 taxes. (PID #C340-999-0980-5300).
- F. Vericrest Financial in the amount of \$3,061.25 overpayment of 2009 taxes. (PID #C518-999-0200-2900).
- G. Bank of America in the amount of \$4,353.53 overpayment of 2009 taxes. (PID #C812-999-0000-1400).
- H. W. Silver Recycling, Inc. in the amount of \$2,989.60 overpayment of 2009 taxes. (PID #C849-999-0740-0100).
- I. First American Title in the amount \$4,709.20 overpayment of 2009 taxes. (PID #E222-999-1150-2100).

- J. Stewart Title Company in the amount of \$3,053.10 overpayment of 2009 taxes.  
(PID #H540-999-0060-1100).
- K. Bank of America in the amount of \$3,125.54 overpayment of 2009 taxes.  
(PID #H771-000-0120-1500).
- L. Fidelity National Title in the amount of \$2,609.12 overpayment of 2009 taxes.  
(PID #H785-000-0100-1400).
- M. Sierra Title Company in the amount of \$2,764.64 overpayment of 2009 taxes.  
(PID #L478-999-0140-3500).
- N. Bac Tax Services Corporation in the amount of \$3,297.06 overpayment of 2009 taxes.  
(PID #M296-999-0030-4900).
- O. Delicia Lawecka in the amount of \$5,224.06 overpayment of 2009 taxes.  
(PID #N425-999-0330-0800).
- P. Bank of America in the amount of \$3,478.04 overpayment of 2009 taxes.  
(PID #P133-999-0080-4600).
- Q. Loancare Loan in the amount of \$4,969.58 overpayment of 2009 taxes.  
(PID #S138-999-0020-1900).
- R. Thomas Rogers in the amount of \$4,101.29 overpayment of 2009 taxes.  
(PID #S138-999-0050-3100).
- S. Wells Fargo Home Mortgage in the amount of \$3,094.52 overpayment of 2009 taxes.  
(PID #S812-999-0150-2700).
- T. Chicago Title Insurance Company in the amount of \$3,935.21 overpayment of 2009 taxes.  
(PID #S814-999-0210-0200).
- U. Government Employees Credit Union in the amount of \$3,793.86 overpayment of 2009 taxes.  
(PID #S912-999-001E-4800).
- V. Bank of America in the amount of \$4,279.04 overpayment of 2009 taxes.  
(PID #S979-999-0150-2500).
- W. John Ball in the amount of \$4,659.73 overpayment of 2009 taxes.  
(PID #T287-999-0340-3000).
- X. Bridge Title Company, LLC in the amount of \$3,983.55 overpayment of 2009 taxes.  
(PID #T287-999-1280-5100).
- Y. Paradise Settlement Services, LLC in the amount of \$3,525.02 overpayment of 2009 taxes.  
(PID #U819-999-002B-3045).

- Z. Antony Suresh in the amount of \$9,712.21 overpayment of 2009 taxes.  
(PID #U819-999-002B-3131).
- AA. BAC Tax Services Corporation in the amount of \$3,827.60 overpayment of 2009 taxes.  
(PID #V893-999-2000-2100).
- BB. Sierra Title Company, Inc., in the amount of \$3,009.76 overpayment of 2009 taxes.  
(PID #V893-999-5440-0200).
- CC. Bank of America in the amount of \$3,992.56 overpayment of 2009 taxes.  
(PID #V893-999-5680-0900).
- DD. Lone Star Title in the amount of \$3,053.41 overpayment of 2009 taxes.  
(PID #V927-999-0090-0600).
- EE. Texas Pioneer Title Company in the amount of \$2,588.73 overpayment of 2009 taxes.  
(PID #V927-999-0520-4941).
- FF. Bank of America in the amount of \$5,142.94 overpayment of 2009 taxes.  
(PID #W181-999-0020-2700).
- GG. Lawyers Title of El Paso, Inc., in the amount of \$7,473.63 overpayment of 2009 taxes.  
(PID #W418-999-0050-1500).

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**5A. INTRODUCTION**

\*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the Introduction of an Ordinance amending Ordinance No. 16324, amended by Ordinance No. 17165 relating to the Public Art Program, to exclude information technology projects.

Representative Byrd commented.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented, and Mr. Charlie McNabb, City Attorney, gave legal advice.

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**5B. INTRODUCTION**

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

An Ordinance authorizing the City Manager of the City of El Paso to sign a Special Warranty Deed conveying approximately 20.0155 acres of land being a portion of Tract 8, Section 16, Block 80, Township 1, Texas and Pacific Railway Company surveys, City of El Paso, El Paso County, Texas, to Jobe Materials, L.P. Also authorizing the City Manager to sign any and all documents necessary to complete the sale of the land.

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 23, 2010, FOR THE ITEM**

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**6A. FINANCIAL SERVICES**

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-067 (Security Guard Services – International Bridges) to Ruiz Protective Services, Inc. for a total estimated amount of \$1,462,746.

Department: International Bridges Department  
Award to: Ruiz Protective Services, Inc.  
El Paso, Texas  
Items: All  
Option: Two years  
Estimated Annual Amount: \$487,582  
Funding Source: Security Contracts  
Total Estimated Award: \$1,462,746

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and International Bridges Department recommend award as indicated to the vendor offering the best value bid.

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**6B. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2010-077 (Street Construction Materials) to Cemex Materials South, LLC and Jobe Materials, L.P. for a total estimated amount of \$3,399,885.

Department: Street  
Award to: Vendor 1: Cemex Materials South, LLC  
El Paso, TX  
Items: Group II, all items  
Group III, items 1 and 3  
Group IV, items 1-4 and 7-13  
Estimated Annual Amount: \$1,035,895  
Award to: Vendor 2: Jobe Materials, L.P.  
El Paso, TX  
Items: Group I, all items  
Option: Two years  
Estimated Annual Amount: \$ 97,400  
Funding Source: Public Accesses – Maintenance & Repair  
Total Estimated Award: \$3,399,885 (3 years)

This is a thirty-six month requirements type contract.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

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

Mayor Cook and Representatives Byrd, Quintana, Robinson, Ortega, and Acosta commented.

The following City staff members commented:

- 1. Mr. Daryl Cole, Director of Streets
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Mr. William Studer, Deputy City Manager of Financial and Public Safety

Mr. Bill Addington, citizen, commented.

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7A.

**ORDINANCE 17275**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00074 TO ALLOW FOR AN INFILL DEVELOPMENT AND REDUCE THE SIDE STREET YARD SETBACK FOR A BOARDING HOUSE ON THE PROPERTY DESCRIBED AS LOTS 15 AND 16, BLOCK 17, FRANKLIN HEIGHTS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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7B.

**ORDINANCE 17276**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.01 (PROVISIONS APPLICABLE TO ALL PLATTING PROCEDURES), SECTION 19.01.030 (EXEMPTIONS) OF THE EL PASO CITY CODE TO ALLOW AN EXEMPTION FOR DUPLEXES AND TO CLARIFY AN APPLICATION REQUIREMENT FOR EXEMPTIONS. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana, Byrd, and Robinson commented.

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

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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TAKEN WITH ITEM 9G

8.

**ORDINANCE 17277**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 16013 TO EXTEND THE TERM OF ORDINANCE 16013 WHICH GRANTED A SPECIAL PRIVILEGE TO MARIO HERNANDEZ, HECTOR COBOS, JR., EBER MARTINEZ, MARIA COBOS, MARGARITA COBOS, JUAN TORRES, PEDRO ORONA, HECTOR COBOS, MARIA PRIETO, MARIA GRADO, JACK KELLOG, JESUS HERNANDEZ, EUSEBIO CORONEL, VICTOR OCHOA, CARMEN COX, MARIA CHAVEZ, EUNISE MORALES, MARIA BARRAZA, SANTIAGO AGUILAR, AND BRANDON PALMA TO ENCROACH ONTO A PORTION OF VARIOUS PUBLIC RIGHTS-OF-WAY WITH A FOOD-VENDING CONCESSION IN THE DOWNTOWN AREA.**

Ms. Kimberly Forsyth, Engineering Senior Lead Planner, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Mr. David Sublasky, Public Health Code Compliance Manager
- 2. Mr. Michael Hill, Director of Public Health
- 3. Mr. William Studer

Ms. Norma Tena, Big Boy Concessions, commented.

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

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

NOT PRESENT FOR THE VOTE: Representative Quintana

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**9A. MAYOR AND COUNCIL – Legislative Review Committee Report**

1. For notation: Formal report of the Economic and Community Development, Quality of Life, and Tourism Legislative Review Committee meeting held on January 21, 2010, at 9:00 a.m., as submitted by Representative Steve Ortega, Chair; and,
2. Discussion pertaining to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
  - A) The creation of a Multi-Family Green Building Program to provide for the increase in the number of sustainable multi-family housing buildings within the City of El Paso.
  - B) Amending the Green Building Grant Program to allow a reduction of the minimum square footage requirement for construction, renovation, or remodeling of a project building to 5,000 square feet, subject to the following:
    - (1) The Program participant will be investing over five million dollars as a total investment for the project;
    - (2) In all other circumstances the minimum square footage requirement for grant eligibility shall remain at 15,000 square feet.
  - C) Submitting items for the City's 2010 Federal Legislative Agenda and 2011 State Legislative Agenda.

Representative Ortega commented.

Mr. Bill Addington, citizen, commented.

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

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**9B. MAYOR AND COUNCIL – Legislative Review Committee Report**

1. For notation: Formal report of the Health and Public Safety Legislative Review Committee meeting held on February 4, 2010, as submitted by Representative Eddie Holguin Jr., Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
  - a. The approval of the September 17, 2009 Health and Public Safety LRC Minutes.
  - b. To provide direction regarding implementation of options to increase citizen awareness of food establishment inspection scores.
  - c. To provide direction on possible labeling requirements for, or prohibition of trans-fats in food service establishments in El Paso.

- d. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to call for a differential (higher) animal registration fee for dogs and cats that have not been spayed or neutered; as proposed by the Animal Welfare Advisory Committee.
- e. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to require that pet stores not sell dogs or cats that have not been spayed or neutered unless a permit for such animal has been obtained; as proposed by the Animal Welfare Advisory Committee.
- f. To provide direction regarding changes to Chapter 7 (Animals) of the City Code, to prohibit advertising dogs or cats for sale or adoption without displaying the city required litter permit number (Chapter 7.24.080); as proposed by the Animal Welfare Advisory Committee.
- g. To provide direction on the City of El Paso Fire Prevention Inspection Process.
- h. To provide direction regarding possible items for either the City's 2010 Federal Legislative Agenda or the City's 2011 State Legislative Agenda.
- i. To evaluate the merits of the Social Host Ordinance proposal, creating criminal penalties relating to particular acts of negligent supervision, and receive counsel from the City Attorney's Office.

Mayor Cook and Representatives Holguin and Byrd commented.

Mr. Michael Hill, Director of Public Health, commented.

Ms. Rebecca Rojas, Chair of the Animal Welfare Advisory Committee, commented.

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

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**9C. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **AMEND** the Resolution to direct the Public Utility Regulation Board to operate under the Texas Open Meetings Act and have meetings televised on Channel 15.

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

Mr. Charlie McNabb, City Attorney, and Ms. Bertha Ontiveros, Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, member of the Public Utility Regular Board, commented.

Mr. Richard Schecter and Mr. Bill Addington, citizens, commented.

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**9D. MAYOR AND COUNCIL**

Motion made by Representative Holguin, seconded by Representative Quintana, and **TO DIRECT** the City Attorney's office to assume different fact situations in which codes and Ordinances would need to be amended to allow outdoor rummage sales at Senior Citizens centers and to bring back the information to the Council for their review at the March 9, 2010, City Council Meeting..

Mayor Cook and Representatives Holguin, Byrd, Acosta, and Robinson commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney, gave legal advice.
2. Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life
3. Ms. Ellen Smyth, Director of Environmental Services

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**9E. MAYOR AND COUNCIL**

Motion made by Representative Holguin, seconded by Representative Ortega, and carried to **OPEN AND CLOSE** the Father Martinez Senior Center one hour later on the day of dances.

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

NAYS: Representative Quintana

NOT PRESENT FOR THE VOTE: Representative Robinson

Mayor Cook and Representatives Holguin, Byrd, Acosta, and Quintana commented.

The following City staff members commented:

1. Ms. Debbie Hamlyn, Deputy City Manager of Quality of Life
2. Ms. Judy Weiss, Assistant Director of Parks and Recreation
3. Mr. William Studer, Deputy City Manager of Financial and Public Safety

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**9F. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item regarding review of bike parking requirements and whether requirements are being implemented at all and per the Municipal Code.

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TAKEN WITH ITEM 8

**9G. MAYOR AND COUNCIL**

Discussion and action concerning a formal update from the Health Department on the status and procedures for allowing sidewalk food vendors in the downtown district.

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **DIRECT** the City Manager to have an Ad Hoc Committee to work with the various departments and to come back to Council within thirty days with recommendations on allowing sidewalk food vendors and to have the City Manager as the point-of-contact person.

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**9H. MAYOR AND COUNCIL**

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **DIRECT** the El Paso Convention and Visitor's Bureau to work with the University of Texas at El Paso (UTEP) Athletic Department in proposing a bid package for the 2011 Conference USA Men's and Women's Basketball Tournament.

Representative Ortega commented.

Mr. Brian Wickstrom, UTEP Senior Associate Athletic Director/External Relations, commented.

10.

**RESOLUTION**

That the City of El Paso Museums and Cultural Affairs Department’s Cultural Funding Guidelines (attached hereto as Exhibit “A”) be approved, as recommended by the Cultural Affairs Advisory Board and Museums and Cultural Affairs Staff.

Mr. Sean McGlynn, Director of Museums and Cultural Affairs, commented.

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

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 12:08 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk