

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 18, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Jose Alejandro Lozano at 8:37 a.m. during Executive Session deliberations and Susannah M. Byrd at 8:39 a.m. during Executive Session deliberations. Early departure: Rachel Quintana at 1:23 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. J. M. HANKS HIGH SCHOOL MARCHING BAND APPRECIATION DAY**
- 2. TOYS FOR TOTS APPRECIATION DAY**

RECOGNITIONS

- 1. PRESENTATION TO MAYOR, COUNCIL AND THE CITIZENS OF EL PASO - CERTIFICATE OF ACCREDITATION FROM THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC. (CALEA)**
- 2. KEY TO THE CITY TO JOHN POMPAY**
- 3. THE HONORABLE RAYMOND G. MCGRATH, U.S. CONSULATE GENERAL IN CIUDAD JUAREZ, MEXICO**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Leon Woodward
2. Mr. Jesus Luna
3. Mr. Marvin Rosenbaum
4. Ms. Gloria Terry
5. Mr. Jorge Almada, Central Neighborhood Association

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Almada to address the Council after the sign-up period.

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Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 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 Byrd and Lozano

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:21 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Claim of Earl F. Burkholder, Our File No. 07-C-264/Airport.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to reject claimant's settlement demand in the claim of Earl F. Burkholder, Our File No. 07-C-264.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX2. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco.

NO ACTION was taken on the item.

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EX3. Elizabeth Hepner vs. The City of El Paso; Cause No.: 2006-5498.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand and be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled Elizabeth Hepner vs. City of El Paso; Cause No. 2006-5498.

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

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EX4. Rozanna Mendoza vs. Joyce Wilson, et al., Cause No. 2007-5427, 205th District Court of El Paso County, Texas.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the City of El Paso, through its governing body, has made a finding that the lawsuit styled Rozanna Mendoza vs. Joyce Wilson, et. al; Cause No. 2007-5427, involves a public interest. Therefore, the City Attorney is authorized to retain outside counsel to take any and all action necessary to respond to and defend the Joyce Wilson, the City Manager, in the same lawsuit.

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

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EX5. E.B.S. Enterprises, Inc., et al. vs. City of El Paso, Texas; Cause No. 2007-5238.

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to pursue appellate remedies, including mandamus action against judges, regarding the denial of the Defendant City of El Paso's motion to consolidate the Jose Fong, et. al. vs. City of El Paso, Cause No. 2007-2900 and E.B.S. Enterprises, Inc., et. al. vs. City of El Paso, Cause No. 2007-5238 lawsuits concerning the constitutionality of Ordinance 016624, and authorizing retaining outside counsel in connection with legal actions related to Ordinance 016624.

AYES: Representatives Lilly, Byrd, Holguin, Ortega, and O'Rourke
NAYS: Representatives Lozano and Castro
NOT PRESENT FOR THE VOTE: Representative Quintana

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

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

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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 December 11, 2007.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

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

That the City Manager be authorized to sign a Lessor’s Approval of Assignment by and between the City of El Paso (“Lessor”), Wood Traditions Furniture Co., Inc. (“Assignor”), and Camilla Nut Company, LP (“Assignee”) for the following described property:

A portion of Lots 6 and 8, Block 3, Butterfield Trail Industrial Park Unit 1, City of El Paso, El Paso County, Texas, containing 3.078 acres, more or less, which is municipally known and numbered as 19 Founders Boulevard, El Paso, Texas.

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3B.

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

WHEREAS, the City and Continental Airlines, Inc. (“Continental”) entered into an Airline Operating Agreement and Terminal Building Lease (“Operating Agreement”), which grants Continental the right to operate and maintain certain operations at the El Paso International Airport;

WHEREAS, the City and Continental subsequently entered into a Temporary Use Agreement (“Use Agreement”), which granted Continental the use of an additional 553 square feet of space located in the Lower East Rotunda of the El Paso International Airport, as the use of this additional space by the Airline was only intended for a short period of time;

WHEREAS, Continental desires the continued use of the additional space referenced above on a permanent basis and the City has determined that it will be beneficial for the City to continue providing the additional space to Continental; and

WHEREAS, the City and Continental are amending the Operating Agreement in order to extend the term of such agreement and believe that the incorporation of the referenced additional space into the operating Agreement would be appropriate at this time and therefore desire to terminate the Use Agreement;

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

That the City Manager be authorized to sign a Mutual Termination of a Temporary Use Agreement by and between the City of El Paso and Continental Airlines, Inc.

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3C.

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

That the City Manager be authorized to sign a First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Continental Airlines, Inc. in substantially the same form as attached hereto, for the purpose of extending the term to August 31, 2009 and replacing Exhibits A, B-1 and B-2.

3D.

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

WHEREAS, Texas Gas Service, a Division of ONEOK, Inc., (Grantee) desires to place and operate a new natural gas pipeline through portions of the El Paso International Airport (Airport), which is owned and operated by the City of El Paso (Grantor); and

WHEREAS, Grantor desires to permit such placement of the new pipeline, as the Airport and its developments, including the Butterfield Trail Golf Club and proposed business park, shall be recipients of such natural gas;

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

THAT the City Manager be authorized to sign an Easement Agreement by and between the City of El Paso as Grantor and Texas Gas Service, a Division of ONEOK, Inc. as Grantee, and such Easement Agreement shall be for an initial period of forty (40) years, with an option to extend for an additional period of ten (10) years.

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3E.

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

WHEREAS, the City of El Paso (the "City") filed a proof of claim for taxes owing on the properties described in Exhibit "A," attached hereto and incorporated herein by reference, in the Chapter 11 proceeding of WCL, Inc., Case Number 93-31015-LCM, United States Bankruptcy Court Western District of Texas, El Paso Division; and

WHEREAS, the City acquired title to the properties described in Exhibit "A," by Special Warranty Deed filed and recorded in Volume 2772, Page 1163, Deed Records of El Paso County, Texas, from WCL, Inc., pursuant to the Order Confirming Fourth Amended Plan of Reorganization As Modified, filed May 26, 1994, in satisfaction of the \$55,000 claim for delinquent taxes allowed in the Chapter 11 proceeding of WCL, Inc. by Order filed June 30, 1994; and

WHEREAS, the properties described in Exhibit "A" do not generate taxes for the taxing jurisdictions in which they are located; and

WHEREAS, the City finds there would be a public purpose in the sale of the identified parcels if the properties can be returned to the tax rolls and the taxing jurisdictions could receive their *pro rata* share according to the amount each jurisdiction was owed in taxes from the basis of any proceeds received from the sale of the properties; and

WHEREAS, the City desires its outside counsel to sell said properties by public auction in accordance with Section 253.008, subsections (a) and (b) of the Texas Local Government Code, which allows the City to sell real property owned by the City by public auction.

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

THAT the City finds that the properties described in Exhibit "A", attached hereto and incorporated herein by reference, were acquired by the City for the benefit of the taxing jurisdictions in which the properties are located; and

THAT the City requests the law firm of Delgado Acosta Spencer Linebarger & Perez, LLP, to sell by public auction, in accordance with Section 253.008, subsections (a) and (b) of the Texas Local Government Code, the properties described in Exhibit "A" "as is"; and

THAT the City requests the City Tax Collector to distribute any proceeds generated from the public auction, after costs, to the taxing jurisdictions on a *pro rata* basis according to the amount each jurisdiction was owed in taxes at the time the City filed a proof of claim in Case Number 93-31015-LCM.

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3F.

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

That the City Manager be authorized to sign a Service Agreement and Underground Electrical Easement to, the El Paso Electric Company for the purpose of providing electrical service to the El Paso Zoo. Said property being more particularly described as a portion of Blocks 7, 8, 9, & 10, Washington Park Addition, El Paso County, Texas.

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3G.

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

That the City Manager be authorized to sign a Professional Services Agreement between the City of El Paso and Camp Dresser & McKee Inc., a Massachusetts Corporation, to perform consulting services for a project known as "Airfield Pavement Maintenance And Management Study" for a contract amount of \$391,642, and that the City Engineer be authorized to approve up to \$50,000 in additional services, for a total contract amount not to exceed \$441,642.

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3H.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ROBERTO R. PENA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

210 Hillview Avenue, more particularly described as Tract 32 (0.516 ACRE), S A & M G R R SURV 267 ABSTRACT 179 Subdivision, El Paso, El Paso County, Texas, Parcel #X267-999-S00B-9600.

to be \$761.00, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of SEVEN HUNDRED EIGHTY FIVE AND 00/100 DOLLARS (\$785.00). The City Council finds that the work was completed on the 15th and 18th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVEN HUNDRED EIGHTY FIVE AND 00/100 DOLLARS (\$785.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ENRIQUE ESCOBAR, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

8924 Gateway Blvd North, more particularly described as Lot(s) 29 TO 32
(25800.00 SQ FT) , Block 16, Del Norte Acres Subdivision, El Paso, El Paso
County, Texas, Parcel #D361-999-0160-5700.

to be \$510.94, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FIVE HUNDRED THIRTY FOUR AND 94/100 DOLLARS (\$534.94). The City Council finds that the work was completed on the 26th day of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED THIRTY FOUR AND 94/100 DOLLARS (\$534.94) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DONNA M. BEARDSLEY c/o BILL WALKER REALTY, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or

unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

12409 O'Malley, more particularly described as Lot(s) 27 , Block 10, Future Land Subdivision, El Paso, El Paso County, Texas, Parcel #F950-999-0100-2700.

to be \$921.75, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINE HUNDRED FORTY FIVE AND 75/100 DOLLARS (\$945.75). The City Council finds that the work was completed on the 26th and 27th days of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINE HUNDRED FORTY FIVE AND 75/100 DOLLARS (\$945.75) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ERICK CARRILLO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6001 Morning Glory #B, more particularly described as ELY 24.20 FT OF WLY 54.30 FT OF LOT 1 (2913 SQ FT) , Block 2, Summer Field Subdivision, El Paso, El Paso County, Texas, Parcel #S775-999-0020-0150.

to be \$46.55, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of

SEVENTY AND 55/100 DOLLARS (\$70.55). The City Council finds that the work was completed on the 1st day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVENTY AND 55/100 DOLLARS (\$70.55) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HENRY & DORA V. ACOSTA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6041 Morning Glory, more particularly described as ELY 35.80 FT OF WLY
101.10 FT OF LOT 4 , Block 2, Summer Field Subdivision, El Paso, El Paso
County, Texas, Parcel #S775-999-0020-0390.

to be \$115.29, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED THIRTY NINE AND 29/100 DOLLARS (\$139.29). The City Council finds that the work was completed on the 19th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED THIRTY NINE AND 29/100 DOLLARS (\$139.29) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CLEMENTE & CARMEN JUAREZ, referred to as owner, regardless of number, of the

hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9834 Sidewinder Street, more particularly described as Lot(s) 9 (6005 SQ FT) ,
Block 8, Dale Bellamah Subdivision, El Paso, El Paso County, Texas, Parcel
#D047-999-0080-2500.

to be \$349.65, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SEVENTY THREE AND 65/100 DOLLARS (\$373.65). The City Council finds that the work was completed on the 7th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVENTY THREE AND 65/100 DOLLARS (\$373.65) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOSE & MARIA E. MORALES, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9913 Sidewinder, more particularly described as Lot(s) 23 (6606.60 SQ FT) ,
Block 10, Dale Bellamah #7 Subdivision, El Paso, El Paso County, Texas,
Parcel #D047-999-0100-9300.

to be \$156.42, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY AND 42/100 DOLLARS (\$180.42). The City Council finds that the work was completed on the 20th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY AND 42/100 DOLLARS (\$180.42) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, AMY STARR & JUAN F. ORDUNO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5801 Tautoga Drive, more particularly described as Lot(s) 1 (7886 SQ FT) ,
Block 20, Dolphin Terrace Subdivision, El Paso, El Paso County, Texas,
Parcel #D672-999-0200-0100.

to be \$175.37, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY NINE AND 37/100 DOLLARS (\$199.37). The City Council finds that the work was completed on the 20th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY NINE AND 37/100 DOLLARS (\$199.37) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SSRC, INC., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11866 Quail Bush, more particularly described as Lot(s) 12 (EXC S 5.37 FT OF W 90.02 FT) (4116.59 SQ FT), Block 1, Hueco Mountain Village Subdivision, El Paso, El Paso County, Texas, Parcel #H801-999-0010-0600.

to be \$174.82, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY EIGHT AND 82/100 DOLLARS (\$198.82). The City Council finds that the work was completed on the 20th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY EIGHT AND 82/100 DOLLARS (\$198.82) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SSRC, INC., referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11843 Quail Bush, more particularly described as Lot(s) 18 (8284.00 SQ FT) , Block 1, Hueco Mountain Village Subdivision, El Paso, El Paso County, Texas, Parcel #H801-999-0010-0900.

to be \$134.23, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY EIGHT AND 23/100 DOLLARS (\$158.23). The City Council finds that the work was completed on the 20th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FIFTY EIGHT AND 23/100 DOLLARS (\$158.23) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SANDRA MORENO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1457 Pedro Figari Avenue, more particularly described as Lot(s) 21 (11610.93 SQ FT) , Block 549, Vista del Sol #149 Subdivision, El Paso, El Paso County, Texas, Parcel #V893-999-5490-2100.

to be \$477.38, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FIVE HUNDRED ONE AND 38/100 DOLLARS (\$501.38). The City Council finds that the work was completed on the 27th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED ONE AND 38/100 DOLLARS (\$501.38) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, FRANCISCO JAVIER AGUIRRE, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being Lot(s) 16, Block A, Patterson Subdivision, City of El Paso, El Paso County, Texas, Parcel # P609-999-000A-2400.

to be \$212.17, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED THIRTY SIX AND 17/100 DOLLARS (\$236.17). The City Council finds that the work was completed on the 10th day(s) of January, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTY SIX AND 17/100 DOLLARS (\$236.17) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SABINA R. SOSA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

328 Wenda Way, more particularly described as Lot(s) 8 (0.468 ACRE) , Block 1, North Loop Gardens #2 Subdivision, El Paso, El Paso County, Texas, Parcel #N446-999-0010-1900.

to be \$1,278.43, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE

THOUSAND THREE HUNDRED TWO AND 43/100 DOLLARS (\$1,302.43). The City Council finds that the work was completed on the 24th and 25th day(s) of July, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND THREE HUNDRED TWO AND 43/100 DOLLARS (\$1,302.43) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ROCIO D. R. ESPARZA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

733 Whitney Ann, more particularly described as Lot(s) 4 (12160.91 SQ FT), Block 7, Upper Valley Place #4 Amending Subdivision, El Paso, El Paso County, Texas, Parcel #U823-999-0070-0400.

to be \$370.22, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED NINETY FOUR AND 22/100 DOLLARS (\$394.22). The City Council finds that the work was completed on the 20th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED NINETY FOUR AND 22/100 DOLLARS (\$394.22) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HECTOR L. NEVAREZ (TRUSTEE), referred to as owner, regardless of number, of the

hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

820 Park Street, more particularly described as Lot(s) 20 , Block 40, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-999-0400-9900.

to be \$179.70, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED THREE AND 70/100 DOLLARS (\$203.70). The City Council finds that the work was completed on the 15th day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THREE AND 70/100 DOLLARS (\$203.70) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ANTONIO ESPINOZA, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

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

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2618 Chico, more particularly described as Lot(s) 6 & W 5 FT OF LOT 5 & E 10 FT OF LOT 7 (2500 SQ FT) , Block 100, Bassett Subdivision, El Paso, El Paso County, Texas, Parcel #B202-999-1000-1100.

to be \$124.49, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE

HUNDRED FORTY EIGHT AND 49/100 DOLLARS (\$148.49). The City Council finds that the work was completed on the 1st day(s) of June, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FORTY EIGHT AND 49/100 DOLLARS (\$148.49) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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3I.

RESOLUTION

That the City Manager be authorized to sign a Contract among the City of El Paso and TIBH Industries, Inc. (“TIBH”), and Border TM Industries, Inc., to provide litter control services for the City’s Department of Environmental Services.

Mayor Cook and Representatives Byrd, Holguin, O’Rourke, Lilly, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms Ellen Smyth, Director of Environmental Services
- 3. Mr. Daryl Cole, Director of Street Department

Mr. Richard Schecter, citizen, commented.

1st MOTION

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

2ND MOTION

Motion made by Representative O’Rourke, seconded by Representative Byrd and carried to approve the above Resolution.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Ortega, and O’Rourke

NAYS: Representative Holguin
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4. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Norma Seelig to the El Paso Mountain Committee by Representative Eddie Holguin, Jr., District 6.
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5. APPLICATIONS FOR TAX REFUND

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

- A. BMW Financial Services in the amount of \$22,042.86 overpayment of 2006 taxes. (PID #0822-999-1472-0034).

- B. BMW Financial Services in the amount of \$4,527.40 overpayment of 2006 taxes. (PID #0825-999-2420-0042).
- C. Lone Star Title Company in the amount of \$6,943.31 overpayment of 2007 taxes. (PID #A200-000-0060-1000).
- D. First American R/E Tax Service in the amount of \$3,707.52 overpayment of 2006 taxes. (PID #H782-000-00601900).
- E. Aurora Loan Services in the amount of \$3,772.59 overpayment of 2006 taxes. (PID #P795-999-2830-9200).
- F. Family Dollar Stores in the amount of \$20,769.64 overpayment of 2006 taxes. (PID #S075-000-0110-05B3).
- G. HSBC/FIS Tax Services in the amount of \$3,815.58 overpayment of 2006 taxes. (PID #T287-999-1090-1600).
- H. FIS Tax Services in the amount of \$4,717.83 overpayment of 2006 taxes. (PID #V897-999-0470-4000).
- I. Chase Home Finance in the amount of \$6,172.22 overpayment of 2007 taxes. (PID #V927-999-0520-0486).
- J. Sierra Title Company in the amount of \$3,202.47 overpayment of 2007 taxes. (PID #W145-999-0790-2500).
- K. Bain Investments in the amount of \$7,078.56 overpayment of 2006 taxes. (PID #X578-000-3430-2000).

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6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

*Motion made, seconded and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services be authorized to issue a Purchase Order to Tyler Technologies, Inc., the sole source and maintenance provider of the JIMS "Case Management Software" and "Court Administration Software", utilized by Municipal Court. Total estimated annual amount is \$100,000. Total estimated three year award is \$300,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department:	Municipal Clerk
Account No.:	11153060 - 16011 – 502202 Project PMC0001
Funding Source:	Municipal Court Technology Fund, Data Processing Services Contract
Total Estimated Award:	\$300,000
Sole Source No.:	2008-085

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6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **APPROVE** that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a purchase order to Paradigm Traffic Systems under The State of Texas Open Market Purchase Order Contract #6-001150 for procurement of Econolite Rackvision Vehicle Imaging Video Detection System. This system detects vehicles and changes traffic lights to allow

vehicles to proceed. Participation by the City of El Paso in The State of Texas Cooperative Purchasing Program was approved by Mayor and Council on March 6, 2007.

Department: Street
Account No.: 99331117 – 27263 – 508027 - PCP06ST021
Funding Source: FY06 CO'S, Loop Detectors CP06
Total Estimated Award: \$137,500
Reference No.: 2008-082

Mayor Cook commented.

Mr. Richard Schecter, citizen, commented.

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7. BEST VALUE PROCUREMENT

*Motion made, seconded and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2008-029 (Janitorial Services - Eastside and Northeast Park Facilities Rebid) to Total Cleaning Services for a total amount of \$215,954.04.

Department: Parks and Recreation
Award to: Total Cleaning Services
El Paso, Texas
Items: All
Annual Estimated Amount: \$66,564.36 (1st Year)
\$71,976.72 (2nd Year)
\$77,412.96 (3rd Year)
Option: Two Years
Account No.: 51010256 – 01101 - 502226
Funding Source: Operating Funds, Janitorial Services Contract-Janitorial
Total Estimated Award: \$215,954.04

This is a thirty-six month contract with the option to renew for two additional years.

The Departments of Financial Services - Purchasing Division and Parks and Recreation recommend award as indicated to the vendor offering the best value bid.

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8A. BID

The award of Solicitation No. 2008-024 (Northeast Regional Park-Fence Project) to A & R Contractors for a total amount of \$97,500.

Department: Parks and Recreation
Award to: A & R Contractors
El Paso, Texas
Base Bid I: \$88,000
Alternate 1: \$ 9,500
Total Estimated Award: \$97,500
Account No. PPW0046004 – 31130550 – 60016 - 508027
Funding Source: FY 2000 Quality of Life Bonds

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order without further authorization by City Council.

This is a low bid, lump-sum contract.

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Barry Russell, Assistant Director for Land Management

1st MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Castro, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** the item until January 2, 2008.

NOT PRESENT FOR THE VOTE: Representative Quintana

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8B. BID

*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No. 2008-041 (Zoo Animal Food - Pellets & Grains) to Northeast Feed, Premium Nutritional Products/Zupreem, and Valley Feed & Supply, Inc. for a total amount of \$244,751.49.

Department:	Zoo
Award to: Vendor 1:	Northeast Feed El Paso, Texas
Items:	21, 28, 29, 30, 31, 44, 51
Annual Estimated Amount:	\$10,153.50 (3-year estimated total)
Option:	Vendor offers an option to extend the contract for two additional years at the same unit prices if the option is exercised within two years of the date of contract award.
Award to: Vendor 2:	Premium Nutritional Products/Zupreem Shawnee, Kansas
Items:	1, 2, 22, 58-63
Annual Estimated Amount:	\$20,583.96 (3-year estimated total)
Option:	Vendor offers an option to extend the contract for one additional year at the same unit prices if the option is exercised within one year of the date of contract award.
Award to: Vendor 3:	Valley Feed & Supply, Inc. El Paso, Texas
Items:	3-20, 23-27, 32-41, 45-50, 52-55, 57
Annual Estimated Amount:	\$214,014.03 (3-year estimated total)
Account No.:	5215200/15445/503110
Funding Source:	Animal Health & Nutrition/Zoo Gate Revenues/Animal Food & Supplies
Total Estimated Award:	\$244,751.49

This is a requirements contract with an initial term of thirty-six months.

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 Zoo recommend award as indicated to the lowest responsive, responsible bidder.

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9A. – 9I. INTRODUCTIONS

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

- A. An Ordinance amending Title 18 (Building and Construction) of the El Paso City Code to change the references to the City-County Health District to the Department of Environmental Services; and to correct references made to State Agencies, specifically, the Department of State Health Services and the Texas Commission on Environmental Quality; the penalty as is provided in Sections 18.02.107, 18.18.400, 18.21.360, 18.36.040, 18.44.240, 18.46.180, and 18.60.240 of the El Paso City Code.

- B. An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places) of the El Paso City Code to change the references to the City-County Health and Environmental District; to assign the duties of the District to the Department of Public Health or the Department of Environmental Services, as appropriate; to revise definitions; to correct Titles and Code References; and to correct references made in the Code to a state agency.
- C. An Ordinance amending Title 14 (Aircraft and Airports) of the El Paso City Code to correct a reference made in the Code to a state agency.
- D. An Ordinance amending Title 10 (Public Peace, Morals, and Welfare) of the El Paso City Code, Chapter 10.12 (Offenses Against Public Peace) to change the reference to and assign the duties of The City-County Health Board to the Department of Public Health.
- E. An Ordinance amending Title 15 (Public Services) of the El Paso City Code; to change the references to the City-County Health and Environmental District; to assign the duties of the District to the Department of Environmental Services; to correct Titles and Code References; and to correct references made in the Code to a state agency.

PUBLIC HEARING WILL BE HELD ON JANUARY 2, 2008, FOR ITEMS 9A – 9E

- F. An Ordinance changing the zoning of a portion of Pridham Survey 274, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-2 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- G. An Ordinance changing the zoning of a portion of Tract 2A and all of 2J, Block 34, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- H. An Ordinance changing the zoning of Lots 5 and 6, Tract 14, Block C, Christy Tract, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- I. An Ordinance changing the zoning of Lot 23, Block 6, Stiles Gardens, Ysleta Grant, City of El Paso, El Paso County, Texas, from C-1 (Commercial) to C-4 (Commercial) with a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 8, 2007, FOR ITEMS 9F – 9I

Representative O'Rourke was not present for the vote.

10. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Ortega, and unanimously carried to **APPROVE** Council Ratification of the following Storm 2006 professional services contracts. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

Storm 2006 Infrastructure Repair/Reconstruction Progress Update September 18, 2007.
Construction

Copper Queen Drainage Improvements, Solicitation No, 2007-242, awarded to Southwest Growth, Corp. in the estimated amount of \$485,776.00.

Colonia Escondida Pump Station, Phase I, Solicitation No. 2008-018, awarded to Dan Williams Company in the estimated amount of \$800,800.00.

The above contracts are unit priced and work under these unit price contracts are only an estimated minimum value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total of unit prices at the end of the contract term.

As part of the award of these contracts, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and increased funds are appropriated in the budget.

Design:

S&B Infrastructure, LTD- First Amendment to original professional agreement shall provide additional design services for Storm 2006 projects. The additional design service is for the Lincoln Park Channel Drainage study. The amendment shall extend contract value from \$75,000 to \$95,000.

Geotechnical and Material Testing:

AMEC Earth and Environmental, Inc. - First Amendment to original professional agreement shall provide additional services for Storm 2006 projects. The additional services shall consist of providing geotechnical and material testing services for Storm 2006 projects. The amendment shall extend contract value from \$300,000 to \$675,000.

ENCON International, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Professional Service Industries, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Archana, Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

Raba Kistner Consultants (SW), Inc. - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

CQC Testing & Engineering - The original professional agreement shall provide geotechnical and material testing services for Storm 2006 projects. The agreement amount shall not exceed \$375,000.

AYES: Representatives Lilly, Byrd, Lozano, Holguin, and O'Rourke

NAYS None

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana, and Ortega

Representatives Lozano and Ortega commented.

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

Mr. Ray Gilbert, citizen, commented.

.....

Motion made by Mayor Pro Tempore Lozano, seconded by Representative Byrd, and unanimously carried to **RECESS** the City Council Meeting at 12:01 p.m. in order to convene the Mass Transit Department Board Meeting.

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

.....
Motion made by Representative Lilly, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 12:06 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

.....
11. ECONOMIC DEVELOPMENT

The annual presentation for REDCo's contract renewal. The City of El Paso desires to maintain a relationship in which REDCo provides specific, measurable economic development recruitment services to the City, in accordance with the Scope of Services described in the Agreement in exchange for a specific amount of monetary remuneration. For the City to accept the existing Agreement between the City and REDCo, approved August 6, 2006, with new Exhibit A Scope of Duties for fiscal year 2008. The term of the Agreement commenced on June 1, 2006, and expires on December 31, 2007. The Agreement shall automatically renew for three successive one year terms, subject to REDCo's satisfaction of the Performance Metrics and subject to the City's appropriation of funds for payment under the Agreement. The City shall pay to REDCo an amount not to exceed \$200,000 during fiscal year 2008.

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

Ms. Joyce Wilson, City Manager, and Dr. Kathryn Dodson, Director of Economic Development, commented.

Mr. Bob Cook, President of REDCo, commented.

Mr. Richard Schechter, citizen, commented.

NO ACTION was taken on the item.

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12.

RESOLUTION

WHEREAS, Trans-Telco, Inc (the "Company") is a certificated telecommunications provider as defined in Local Government Code Chapter 283 and Utilities Code Chapter 66 and is authorized by state law to use the City's right of way for telecommunication purposes; and;

WHEREAS, the Company has obtained a Certificate of Operating Authority and Service Provider Certificate of Authority from the Public Utilities Commission of Texas pursuant to Texas Utilities Code Chapter 66; and

WHEREAS, the Company and the City of El Paso (the "City") desire to enter into Agreements to collaboratively and mutually work together for the development of an efficient and effective high speed fiber-optic network including extensions for the City along with the maintenance of the network; and for the sale by the Company to the City of fiber optic strands to be installed by the Company within the Company's existing underground conduit; and

WHEREAS, the Company is the sole source and exclusive owner to the proposed conduit for installing fiber,

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

THAT the City Manager be authorized to sign any necessary agreements between the City of El Paso and Trans-Telco, Inc. for the acquisition, use, and maintenance of a fiber-optic infrastructure in an amount not to exceed \$4,000,000.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Gerald Gordier, Director of Information Technology, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Castro

.....
13. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **APPROVE** the award of Solicitation No. 2008-033 (Collection Services - Various City Facilities) to Heist Disposal, Inc. and Friedman Recycling of El Paso for a total amount of \$1,300,999.24.

Department:	Environmental Services
Award to: Vendor 1	Heist Disposal, Inc. El Paso, Texas
Item:	Base Bid I: \$251,856.84 Est/Yr
Contract Term:	48 Months
Options:	1 Year
Total Estimated Award:	\$1,007,427.40
Award to: Vendor 2	Freidman Recycling of El Paso El Paso, Texas
Item:	Base Bid II: \$73,392.96 Est/Yr
Contract Term:	48 Months
Options:	1 Year
Total Estimated Award:	\$293,571.84
Account No.:	34010289 – 40403 - 502215
Funding Source:	Solid Waste Management, Outside Contracts
Total Award:	\$1,300,999.24

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 Environmental Services recommend award as indicated to the vendors offering the best value bids.

Representatives Byrd, Lozano, Quintana, Ortega, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services commented.

14A.

ORDINANCE 16799

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11-14, BLOCK 7, VAL VERDE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) TO C-1/C (COMMERCIAL/ CONDITION), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Fermin Dorado, representing the applicant, commented.

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

2ND AND FINAL MOTION

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

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

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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14B.

ORDINANCE 16800

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: LOTS 1 AND 2, BLOCK B, PASODALE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL); AND PARCEL 2: LOT 3, BLOCK B, PASODALE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-1/C (COMMERCIAL/CONDITIONS), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Ray Mancera, representing the applicant, commented.

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

- AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Ortega, and O'Rourke
- NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

.....
14C. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** for three weeks the public hearing on an Ordinance changing the zoning of Tracts 11A, 11B, 12A, and 13A, Block 39 and Tract 3C, Block 40, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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14D.

ORDINANCE 16801

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 6, SECTION 34, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Representatives Quintana and Byrd commented.

Mr. Phillip Etiwe, Development Manager for Development Services, commented and Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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

.....
14E.

ORDINANCE 16802

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NUMBERS 014836 AND 015008 FOR THE PURPOSE OF ABOLISHING THE DEVELOPMENT COORDINATING COMMITTEE AND AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE TO DELETE ALL REFERENCES TO THE DEVELOPMENT COORDINATING COMMITTEE AND THE SUBDIVISION COORDINATING COMMITTEE AND TO ESTABLISH THE DEVELOPMENT REVIEW COMMITTEE. THE PENALTY IS AS PROVIDED IN CHAPTER 19.04.090 OF THE EL PASO CITY CODE.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Phillip Etiwe, Development Manager for Development Services
3. Mr. Alan Shubert, City Engineer
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, 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**.

.....
 ITEMS TAKEN TOGETHER:

15A.

ORDINANCE 16803

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO MODIFY THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER 5, CITY OF EL PASO, TEXAS, TO ENLARGE THE BOUNDARIES OF THE EXISTING ZONE TO INCLUDE AN ADDITIONAL PARCEL IN DOWNTOWN EL PASO: PROPERTY LOCATED AT 1001 AND 1009 MAGOFFIN AVENUE, AS MORE FULLY DESCRIBED HEREIN; TO MODIFY THE DESIGNATION OF THE AREA OF THE ZONE AND THE DESCRIPTION OF THE BOUNDARIES OF THE ZONE; AND TO AMEND OTHER PROVISIONS OF ORDINANCE NO. 016528 RELATED THERETO.**

15B.

ORDINANCE 16804

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 016528 TO MODIFY THE BOUNDARIES OF TAX INCREMENT REINVESTMENT ZONE NUMBER 5, CITY OF EL PASO, TEXAS, TO ENLARGE THE BOUNDARIES OF THE EXISTING ZONE TO INCLUDE ADDITIONAL PARCELS IN DOWNTOWN EL PASO: THE INSIGHTS MUSEUM SITE AND THE AREA AROUND SAN JACINTO PLAZA, AS MORE FULLY DESCRIBED HEREIN; TO MODIFY THE DESIGNATION OF THE AREA OF THE ZONE AND THE DESCRIPTION OF THE BOUNDARIES OF THE ZONE; AND TO AMEND OTHER PROVISIONS OF ORDINANCE NO. 016528 RELATED THERETO.**

Mayor Cook and Representatives Ortega, Holguin, Byrd, Quintana, Lozano, and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Dr. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office)
3. Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Veronica Escobar, Chair of Tax Increment Reinvestment Zone Board, and Mr. Hector Gutierrez, Board member, commented.

The following members of the public commented:

1. Mr. Jerry Rosenbaum
2. Mr. Richard Schecter

1ST MOTION

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

AYES: Mayor Cook and Representatives Lilly, Byrd, and Ortega
 NAYS: Representatives Castro, Quintana, and Holguin
 ABSTAIN: Representative O'Rourke
 NOT PRESENT FOR THE VOTE: Representative Lozano

Mayor Cook broke the tie voting aye.

2ND MOTION

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

3RD AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Lozano, and Ortega
 NAYS: Representatives Castro, Quintana, and Holguin
 ABSTAIN: Representative O'Rourke

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

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16.

ORDINANCE 16805

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE TO ADD A NEW LOCATION ON TRAWOOD DRIVE BETWEEN PICO ALTO DRIVE AND YARBROUGH DRIVE, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representative Ortega commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

.....
ITEMS TAKEN TOGETHER:

17A.

ORDINANCE 16806

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 17 (HOUSING) OF THE EL PASO CITY CODE TO DELETE THE SECTIONS UNDER ARTICLE IV, LODGING HOUSES FOR PERSONS OF UNSOUND MIND.**

17B.

ORDINANCE 16807

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 7 (ANIMALS) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH; TO REVISE DEFINITIONS; TO CORRECT TITLES AND CODE REFERENCES; AND TO REVISE THE PERMITTING AND APPEAL PROCESSES PRESCRIBED IN THE TITLE; THE PENALTY AS IS PROVIDED IN SECTION 7.04.080 OF THE EL PASO CITY CODE.**

17C.

ORDINANCE 16808

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE) OF THE EL PASO CITY CODE, CHAPTER 3.32 (ABANDONED, LOST, STOLEN, AND UNCLAIMED PROPERTY), TO CHANGE THE REFERENCE TO AND ASSIGN THE DUTIES OF THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH.**

17D.

ORDINANCE 16809

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE, CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION), TO CHANGE THE REFERENCE TO AND ASSIGN THE DUTIES OF THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES; THE PENALTY AS IS PROVIDED IN SECTION 2.38.080 OF THE EL PASO CITY CODE.**

17E.

ORDINANCE 16810

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES, AND REGULATIONS) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO AND ASSIGN THE DUTIES OF THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS APPROPRIATE; TO REVISE DEFINITIONS; TO CORRECT TITLES AND CODE REFERENCES; AND TO REVISE THE PERMITTING AND APPEAL PROCESSES PRESCRIBED IN CHAPTERS 5.32 (PUBLIC SWIMMING POOL LICENSES), 5.48 (LAUNDRIES), AND 5.96 (TATTOOING AND BODY PIERCING LICENSES);**

THE PENALTY AS IS PROVIDED IN SECTIONS 1.08.010 - 1.08.030, 5.32.160, AND 5.96.110 OF THE EL PASO CITY CODE.

17F.

ORDINANCE 16811

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY-COUNTY HEALTH DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH; AND TO CORRECT REFERENCES MADE TO THE DEPARTMENT OF STATE HEALTH SERVICES; THE PENALTY AS IS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE EL PASO CITY CODE.**

17G.

ORDINANCE 16812

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT; TO ASSIGN THE DUTIES OF THE DISTRICT TO THE DEPARTMENT OF PUBLIC HEALTH OR THE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS APPROPRIATE; TO REVISE DEFINITIONS; TO CORRECT TITLES AND CODE REFERENCES; TO REVISE THE PERMITTING AND APPEAL PROCESSES PRESCRIBED IN THE TITLE; TO DELETE SECTION 9.84.040 (VACATION OF DANGEROUS BUILDINGS); AND TO CORRECT REFERENCES MADE IN THE CODE TO TWO STATE AGENCIES; THE PENALTY AS IS PROVIDED IN SECTIONS 9.04.390, 9.08.070, 9.12.890, 9.16.040, 9.24.050, 9.32.150, 9.38.060, 9.39.040, 9.44.330, 9.48.260, AND 9.50.130 OF THE EL PASO CITY CODE.**

Mayor Pro Tempore Lozano commented.

Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke
NAYS: None

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

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18A. MAYOR AND COUNCIL

Discussion and action on implementation of the City's Open Space Master Plan.

Mayor Cook and Representatives O'Rourke, Byrd, and Lilly commented.

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

The following members of the public commented:

1. Mr. Charlie Wakeem presented a PowerPoint presentation (on file in the City Clerk's office).

- 2. Dr. Rick Bonart
- 3. Mr. David Wilson

1ST MOTION

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Wakeem an additional five minutes to address the Council.

2ND AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow additional speakers to address the Council after the sign-up period.

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

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18B. MAYOR AND COUNCIL

*Motion made, seconded, and unanimously carried to **DELETE** the discussion and action on processes by Environmental Services to control inadvertent or illegal medical waste disposal at City landfills and ways to regulate commercial solid waste services in City limits.

.....
ADDITION TO THE AGENDA

1A.

***RESOLUTION**

WHEREAS, the City of El Paso is a taxing entity in the El Paso Central Appraisal District, and

WHEREAS, the City of El Paso as a taxing entity is entitled to appoint two members of the El Paso Central Appraisal District Board; and

WHEREAS, the City Council desires to reappoint one director to the Board of Directors for the term beginning January 1, 2008 through December 31, 2009.

NOW THEREFORE, be it resolved by the City Council of the City of El Paso:

That Representative Ann Morgan Lilly is reappointed to the Board of Directors of the El Paso Central Appraisal District Board to fill the term commencing from January 1, 2008, through December 31, 2009.

.....
1B.

***RESOLUTION**

WHEREAS, the City of El Paso is a taxing entity in the El Paso Central Appraisal District, and

WHEREAS, the City of El Paso as a taxing entity is entitled to appoint two members of the El Paso Central Appraisal District Board; and

WHEREAS, the City Council desires to reappoint one director to the Board of Directors for the term beginning January 1, 2008 through December 31, 2009.

NOW THEREFORE, be it resolved by the City Council of the City of El Paso:

That Representative Melina Castro is reappointed to the Board of Directors of the El Paso Central Appraisal District Board to fill the term commencing from January 1, 2008, through December 31, 2009.

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Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **ADJOURN** this meeting at 2:10 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk