

JOHN F. COOK  
MAYOR



JOYCE WILSON  
CITY MANAGER

CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
EMMA ACOSTA, 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 23, 2008  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:12 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 9:14 a.m. during the Invocation and Pledge of Allegiance. Absent: Steve Ortega requested to be excused. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

**BRUT SUN BOWL WEEK**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Jerry Thiedt
2. Mr. Jorge Artalejo
3. Mr. Ray Gilbert

Mayor Cook commented.

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**EX1.** Discussion and action related to the City's lien against the property located at 10969 Duke Snider Circle, El Paso, Texas. (551.071)

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the discussion and action related to the City's lien against the property located at 10969 Duke Snider Circle, El Paso, Texas.

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**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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, Castro, Quintana, Holguin, and O'Rourke  
NAYS: None  
ABSENT: Representative Ortega

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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 16, 2008.

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

\*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Steve Ortega from the Regular Council Meeting of December 23, 2008.

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**3A.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 31<sup>ST</sup> day of January 2007, after due notice and hearing, issued an order to Enrique Martinez and Fermina Morales De Martinez , record Owners of the hereinafter described property that the main structure be secured within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure and clean the premises of all weeds, trash, and debris.

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

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

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

Lot 4 and the East one-half of Lot 5, in Block 119 of the Highland Park Addition to the City of El Paso, in El Paso County, Texas, municipally known and numbered as 2831 Frankfort Avenue, El Paso, Texas,

to be \$2,952.24, performed by the Street Department of the City of El Paso, and \$1,094.52, performed by the City Clerk's Office and Development Services Department, making a total of \$4,046.76. The City Council finds that the work was completed on the 30<sup>th</sup> day of July 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$4,046.76 to be a lien on the above-described property.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 18.50 of the El Paso City Code, the City Council of the City of El Paso, by Order dated the 28<sup>th</sup> day of March 2007, after due notice and hearing, issued an order to Anastacio H. Garcia, record Owner of the hereinafter described property that the main structure be secured, secure accessory structures within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to secure, main and accessory structures and clean the premises of all weeds, trash, and debris.

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

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

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

Lots 23 and 24, Block 45, Woodlawn Addition, an addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 13, Page 53, Plat Records of El Paso County, municipally known and numbered as 3923 Laredo Avenue, El Paso, Texas,

to be \$3,332.89, performed by the Street Department of the City of El Paso, and \$1,136.04, performed by the City Clerk's Office and Development Services Department, making a total of \$4,468.93. The City Council finds that the work was completed on the 10<sup>th</sup> day of September 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$4,468.93 to be a lien on the above-described property.

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

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

.....  
**3B.**

**\*RESOLUTION**

**THAT** the Mayor be authorized to sign an Interlocal Agreement between the County of El Paso ("the County") and the City of El Paso (the "City") requiring the City to pay \$2,000.00 per month for the County's administration and operation of the On-Site Sewage Facility Program for locations within the City's jurisdiction.

Mayor Cook and Representative Castro commented.

Ms. Ellen Smyth, Director of Environmental Services.

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**3C.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MASTER BUILDERS, 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:

724 Scott, more particularly described as Lot(s) 7 (11761.00 SQ FT), Block 3, Upper Valley Place #2 Amending Subdivision, El Paso, El Paso County, Texas, Parcel #U823-999-0030-0700

to be \$444.91, 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 FOUR HUNDRED SIXTY EIGHT AND 91/100 DOLLARS (\$468.91). The City Council finds that the work was completed on the 22nd day(s) of August, 2008, 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 FOUR HUNDRED SIXTY EIGHT AND 91/100 DOLLARS (\$468.91) 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, LAURA Y. NAVARETTE, 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:

4021 1/2 Johnson, more particularly described as Lot(s) 10 & 11 (6650 SQ FT), Block 78, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-0780-2500

to be \$1,062.26, 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 EIGHTY SIX AND 26/100 DOLLARS (\$1,086.26). The City Council finds that the work was completed on the 11<sup>th</sup> and 12th day(s) of August, 2008, 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 EIGHTY SIX AND 26/100 DOLLARS (\$1,086.26) 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, ALBERTO H. CIGARROA, 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:

108 Carolina, more particularly known as Tract 5-A (0.161 Acre), Block 25, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-0250-0501

to be \$192.79, 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 SIXTEEN AND 79/100 DOLLARS (\$216.79). The City Council finds that the work was completed on the 22nd day(s) of August, 2008, 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 SIXTEEN AND 79/100 DOLLARS (\$216.79) 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, RANCHLAND SHOPPING CENTER LTD, 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:

Tract 1-C-26-A (0.107 ACRE), Block 5, Ascarate Subdivision, El Paso,  
El Paso County, Texas, Parcel #A765-999-005D-0127

to be \$102.95, 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 TWENTY SIX AND 95/100 DOLLARS (\$126.95). The City Council finds that the work was completed on the 15th day(s) of August, 2008, 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 TWENTY SIX AND 95/100 DOLLARS (\$126.95) 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, LLOYD E. & JONI WRIGHT, 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:

4713 G T Powers Drive, more particularly described as Lot(s) 13 EXC W  
1 FT & W 1 FT OF LOT 12, Block 15, Castner Heights #1 Subdivision, El  
Paso, El Paso County, Texas, Parcel #C231-999-0150-2500

to be \$134.77, 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 77/100 DOLLARS (\$158.77). The City Council finds that the work was completed on the 11<sup>th</sup> day(s) of August, 2008, 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 77/100 DOLLARS (\$158.77) 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, 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 Lot(s) 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 \$95.38, 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 ONE HUNDRED NINETEEN AND 38/100 DOLLARS (\$119.38). The City Council finds that the work was completed on the 25<sup>th</sup> day(s) of July, 2008, 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 NINETEEN AND 38/100 DOLLARS (\$119.38) 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, HILDA NEGRETE, 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:

6026 Morning Glory, more particularly described as NLY 31.3 FT OF LOT 12,  
Block 3, Summer Field Subdivision, El Paso, El Paso County, Texas, Parcel  
#S775-999-0030-1200

to be \$133.64, 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 SEVEN AND 64/100 DOLLARS (\$157.64). The City Council finds that the work was completed on the 25th day(s) of July, 2008, 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 SEVEN AND 64/100 DOLLARS (\$157.64) 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, MELODY B. MOOK, 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:

6037 Morning Glory Circle, more particularly described as ELY 31.20 FT  
OF WLY 65.30 FT OF LOT 4, Block 2, Summer Field Subdivision, El  
Paso, El Paso County, Texas, Parcel #S775-999-0020-0385

to be \$164.38, 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 ONE HUNDRED EIGHTY EIGHT AND 38/100 DOLLARS (\$188.38). The City Council finds that the work was completed on the 25th day(s) of July, 2008, 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 EIGHT AND 38/100 DOLLARS (\$188.38) 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, 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 \$55.75, 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 SEVENTY NINE AND 75/100 DOLLARS (\$79.75). The City Council finds that the work was completed on the 25th day(s) of July, 2008, 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 NINE AND 75/100 DOLLARS (\$79.75) 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.

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DANIEL J. & SILKE SAELENS, 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:

4609 Sun Valley, more particularly described as Lot 8 (8360 SQ FT), Block 12, Arlington Heights Replat Subdivision, El Paso, El Paso County, Texas, Parcel #A700-999-0120-1500

to be \$318.80, 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 FORTY TWO AND 80/100 DOLLARS (\$342.80). The City Council finds that the work was completed on the 29th day(s) of August, 2008, 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 FORTY TWO AND 80/100 DOLLARS (\$342.80) 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, ISMAEL UGARTE & CARLOS GARCIA, 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:

6121 Sun Valley #14, more particularly described as Mobile Home Only on Personal Property Serial #12522479, Block 1995, Redman 16x76 Subdivision, El Paso, El Paso County, Texas, Parcel #95MH-999-0042-0042

to be \$126.09, 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 AND 09/100 DOLLARS (\$150.09). The City Council finds that the work was completed on the 5th day(s) of August, 2008, 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 AND 09/100 DOLLARS (\$150.09) 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, DAVID & WILMA DAVIS, 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:

1230 Backus Street, more particularly described as Lot(s) 1 (Homesite) (5555.00 SQ FT), Block 151, Cielo Vista Park Subdivision, El Paso, El Paso County, Texas, Parcel #C518-999-1510-0100

to be \$159.94, 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 ONE HUNDRED EIGHTY THREE AND 94/100 DOLLARS (\$183.94). The City Council finds that the work was completed on the 25th day(s) of August, 2008, 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 THREE AND 94/100 DOLLARS (\$183.94) 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.

.....  
**3D.**

**\*RESOLUTION**

**THAT** the City Manager be authorized to sign that certain First Amendment to License Agreement for Physicians Healthcare Associates by and between the City of El Paso (“City”) and Physicians Healthcare Associates (“PHA”), whereby the term is extend, the compensation is revised and the scope of the license to PHA to provide nurse practitioners and/or licensed physician assistants to staff and operate health care clinics located on City property is clarified.

Representative Quintana commented.

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

.....  
**TAKEN TOGETHER WITH ITEM 13A**

**4A. BOARD APPOINTMENT**

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

\*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA AND CONSIDER WITH ITEM 13A AS PER COMMUNITY DEVELOPMENT.**

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

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPOINT** Carlos Veloz to the Empowerment Zone Advisory Board by Representative Emma Acosta, District 3.

AYES: Representatives Lilly, Byrd, Acosta and Holguin.

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro, Quintana and O’Rourke.

ABSENT: Representative Ortega  
.....

**5. APPLICATION FOR TAX REFUNDS**

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

- A. CitiMortgage, Inc., in the amount of \$2,939.51 overpayment of 2007 taxes. (PID #C742-999-0060-2000).
- B. Chase Home Finance in the amount of \$10,155.87 overpayment of 2007 taxes. (PID #C801-999-0130-0700).
- C. LandAmerica American Title Company, in the amount of \$5,102.53 overpayment of 2007 taxes. (PID #L069-999-0110-4900).
- D. 21<sup>st</sup> Mortgage in the amount of \$3,484.76 overpayment of 2007 taxes. (PID #M602-000-0040-0008).
- E. Rene Renteria in the amount of \$3,818.45 overpayment of 2007 taxes. (PID #R246-999-0280-2800).
- F. GMAC Mortgage in the amount of \$4,644.06 overpayment of 2007 taxes. (PID #R460-999-0170-1600).
- G. Veronica G. Garcia in the amount of \$5,806.61 overpayment of 2007 taxes. (PID #S231-999-0210-6100).
- H. Frank Keton and MaureenSolange Keton in the amount of \$3,054.98 overpayment of 2007 taxes. (PID #U819-999-0100-0103).
- I. Eleonor C. Nicolls in the amount of \$3,225.97 overpayment of 2006 taxes. (PID #V852-999-0020-0900).
- J. Chase Home Finance in the amount of \$9,930.43 overpayment of 2007 taxes. (PID #V893-999-5470-5400).
- K. Bernardo Herrera and Elvira S. Herrera in the amount of \$2,646.43 overpayment of 2006 taxes. (PID #W145-999-0760-5800).
- L. First American Real Estate Tax Service in the amount of \$4,678.74 overpayment of 2007 taxes. (PID #X578-000-3430-3020).

.....  
**6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Intergraph Corporation, the manufacturer and sole source maintenance provider for City's ILEAD Software. This is the City's share of the annual maintenance for the Police Records System used jointly with El Paso County as a result of an Interlocal Agreement.

Department: Information Technology

Account No.: 39010351 – 502202 – 01101  
Funding Source: Information Technology, Data Processing Services, Operating Account  
Total Est. Award: \$100,136.90  
Sole Source No.: 2009-095

.....  
**7. INTRODUCTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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:

ABSENT: Representative Ortega

An Ordinance changing the zoning of a portion of Lot 28, Block 22A, Vista Granada Unit Two Replat B, City of El Paso, El Paso County, Texas, from A-2/SC (Apartment/Special Contract) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON JANUARY 13, 2009, FOR THE ITEM**

.....  
**8A. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Motorola Inc., the current provider of the Public Safety 800MHz Voice and Data Radio System being used by the City of El Paso's Police Department, Fire Department, Sun Metro, Health Department, Airport, and Zoo, for acquisition of the necessary hardware and services associated with Phase II of the P25 Digital Public Safety Radio System. Motorola Inc. is the H-GAC contractor under Contract No. RA01-08 (Radio Communication, Command & Control, and Interoperability Equipment). Phase I was approved by City Council on May 13, 2008.

The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

In addition, it is requested that the City Attorney's office review and that the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Department: Information Technology  
Account Nos.: 39010352-508007-07187-2007-GS-H7-0044 (\$1,708,802.00),  
31010328-502226-01101 (\$360,000.00),  
31010326-502226-01101 (\$67,200.50), and  
62620001-503303 and 508029-41022-P540004 (\$98,889.65)  
Funding Source: Telecommunication, Public Safety Equipment, CFDA11.555 Homeland Sec. Prep.,  
Facilities Special Project-Operating Account, Capital Outlay, Other Equipment  
Total Award: \$2,234,892.15  
Reference No.:2009-096

ABSENT: Representative Ortega

Mr. Terrence Freiburg, Purchasing Manager commented.

**8B. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Reliable Emergency Vehicles, Inc., a HGAC contractor under Contract No. AM04-08 (Ambulances & Other Emergency Vehicles) for the purchase of three ambulances.

The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Fire  
Account No.: 37150068-508029-27507  
Funding Source: Vehicle Replacement Fund  
Total Estimated Award: \$543,653.68 (Total 3 Ambulances)  
Reference No.: 2009-098

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

Representatives Holguin, Acosta and O'Rourke commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Manuel Chavira, Assistant Fire Chief
- 4. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services

Ms. Lisa Turner, citizen, commented.

.....  
**9A. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the Public Hearing on an Ordinance changing the zoning of a portion of Lot 10, replat of Crown Point Addition, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

.....  
**9B. ORDINANCE 17040**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO ROBINS & MORTON PERMITTING THE ENCROACHMENT OF AN OUTDOOR EMPLOYEE BREAK AREA UPON A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED BENEATH THE RAYNOLDS STREET OVERPASS NORTH OF ALBERTA AVENUE.**

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

Motion duly made by Representative Acosta, seconded by Mayor Pro Tempore 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, Castro, Quintana, Holguin, and O'Rourke  
NAYS: None  
ABSENT: Representative Ortega

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

.....  
**9C.**

**ORDINANCE 17041**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION) ADDING A NEW CHAPTER 18.47 (IRRIGATION SYSTEMS) OF THE EL PASO CITY CODE IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY AND THE EXTRATERRITORIAL JURISDICTION; AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE), SECTION 18.46.120 (INSTALLATION STANDARDS) OF THE EL PASO CITY CODE REQUIRING IRRIGATION INSPECTORS AND ELIMINATING INSTALLERS AFTER DECEMBER 31, 2009; WITH PENALTIES AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE AND IN SECTION 18.47.180 OF THIS ORDINANCE.**

Representative Castro commented.

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Carlos Aranda, citizen, commented.

Motion duly made by Representative Lilly, seconded by Representative Quintana, 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, Castro, Quintana, and Holguin.  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative O'Rourke  
ABSENT: Representative Ortega

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

.....  
**10. PUBLIC HEARING – MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the Public Hearing on an Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.12 (Chauffeur's License), of the El Paso City Code to amend sections thereunder to create a qualified Chauffeur License for bicycles, pedicabs, and other similarly-operated vehicles that are operated as non-motorized vehicles for hire.

.....  
11.

**ORDINANCE 17042**

The City Clerk read an Ordinance entitled: **AN ORDINANCE DESIGNATING A TRANSPORTATION REINVESTMENT ZONE FOR EL PASO; DESCRIBING THE BOUNDARIES OF THE ZONE; PROVIDING FOR AN EFFECTIVE DATE FOR THE ZONE; NAMING THE ZONE "TRANSPORTATION REINVESTMENT ZONE NUMBER ONE, CITY OF EL PASO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**

Mayor Cook and Representatives Castro, O'Rourke, Quintana, Holguin, Acosta and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Alan Shubert, City Engineer
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schechter
2. Ms. Lisa Turner
3. Mr. Ray Gilbert
4. Mr. Arturo Bujanda, TTI

Representative Beto O'Rourke filed an affidavit of abstention with the City Clerk's office, but during the discussion on the item, he verbally explained that he would not be abstaining and that he would participate in the discussion and the vote. Representative O'Rourke's statement that he was not abstaining nor filing an affidavit serves to withdraw the previously filed affidavit.

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore 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, Quintana, Holguin, and O'Rourke

NAYS: Representative Castro

ABSENT: Representative Ortega

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

.....  
12A.

**ORDINANCE 17043**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 12.56 (PARKING METERS) OF THE EL PASO CITY CODE TO CHANGE THE REFERENCES TO THE "DEPUTY DIRECTOR OF STREETS" TO "INTERNATIONAL BRIDGES DIRECTOR"; TO ASSIGN THE DUTIES AND SERVICES RELATING TO AREAS OF PARKING METER CONCERNS TO THE INTERNATIONAL BRIDGES DEPARTMENT; THE PENALTIES BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representative Quintana commented.

Ms. Joyce Wilson, City Manager and Said Larbi-Cherif, Director of International Bridges, commented.

Motion duly made by Representative O'Rourke, seconded by Mayor Pro Tempore 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, Castro, Quintana, Holguin, and O'Rourke  
NAYS: None  
ABSENT: Representative Ortega

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

.....  
**12B.**

**ORDINANCE 17044**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A LICENSE TO BORDERCOMM PARTNERS, LP TO CONSTRUCT, MAINTAIN, AND USE A SINGLE CONDUIT INTERDUCT ON THE ZARAGOZA INTERNATIONAL BRIDGE PROPERTY FOR THE PURPOSE OF INSTALLING FIBER OPTIC CABLE FOR ITS TELECOMMUNICATION NETWORK; THE FOLLOWING CONSIDERATION IS TO BE PAID TO THE CITY: ANNUAL LICENSE FEE OF \$20,000 AND ANNUAL BRIDGE FEE OF \$9,600, WHICH FEES SHALL BE SUBJECT TO A 5% ANNUAL ESCALATION.**

Said Larbi-Cherif, Director of International Bridges, commented.

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

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

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

.....  
**TAKEN TOGETHER WITH ITEM 4:**

**13A.**

**RESOLUTION**

**WHEREAS**, the City Council adopted a Resolution on August 14, 2007, to establish an advisory board as part of the Implementation Plan for the City's United States Housing and Urban Development (HUD) Empowerment Zone Grant, and incorporated into the Strategic Plan, as amended, in order to ensure continued community and grass roots participation and community performance assessment in the governance of Zone Area activities; and

**WHEREAS**, the City Council now desires to revise the membership criteria for the Empowerment Zone ("EZ") Advisory Board to expand board participation to individuals who may provide valuable expertise and service to the Empowerment Zone, but do not reside or work in the Zone Area.

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

**THAT** the August 14, 2007 Resolution establishing the EZ Advisory Board be revised as follows:

1. Subsection 1, of Section A, Article III. (Membership) is deleted in its entirety; and
2. Subsection 2, of Section A, Article III. (Membership) is re-numbered as Subsection 1.

Mayor Cook and Representatives Acosta and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. William Lilly, Director of Community & Human Development
3. Ms. Laura Gordon, City Attorney, gave legal advice.

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **APPROVE** the Resolution to revise the Empowerment Zone Advisory Board Criteria.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro and Quintana

ABSENT: Representative Ortega

.....  
**13B.**

Discussion and action on allowing girls under the age of 12 to play on boys' teams in city leagues.

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

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Nanette Smejkal, Director of Parks and Recreation
3. Ms. Paula Powell, Parks and Recreation - Sports

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Jerry Thiedt
3. Ms. Sylvia Carreon
4. Mr. Edgar Fino

- 5. Mr. Ray Gilbert
- 6. Ms. Pat Amesaga
- 7. Mr. Conrad Conde

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to send to the Parks Advisory Board and ask them to consider it at their first meeting in January and check to determine what the effects would be of a change in policy on allowing girls under the age of 12 to play on boys' teams in city leagues and to post the Economic and Community Development, Quality of Life and Tourism LRC at the same time and location as the Parks Advisory Board meeting.

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

NAYS: None

ABSENT: Representative Ortega

.....

**14.**

**RESOLUTION**

That Mr. Xavier Bañales be reappointed to the Board of Trustees of the El Paso MHMR Center to a full term expiring December 31, 2010, for the position designated to be held by a professional.

Representative Castro commented.

William Lilly, Director of Community & Human Development, commented.

Mr. Xavier Banales, commented.

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

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

NOT PRESENT FOR THE VOTE: Representative Byrd

ABSENT: Representative Ortega

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

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RE-APPOINT** Xavier Banales to the Board of Trustees of the El Paso Mental Health and Mental Retardation Center for the designated position to be held by a professional.

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

NAYS: None

ABSENT: Representative Ortega

.....

**15. ECONOMIC DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the discussion and action on an incentive policy for blighted properties.

.....

**16. FINANCIAL SERVICES**

Discussion and action on the recommendation that the City Council select Wells Fargo Bank as the depository bank for the City's funds based on the submitted Application for Depository Services and authorize the City staff to negotiate, City Attorney to review, and the City Manager to sign any contracts or other documents required to effectuate the contract. This is a five year contract.

Mayor Cook and Representatives O'Rourke and Byrd commented.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services presented a PowerPoint presentation (on file in the City Clerk's office).

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to **SELECT** Wells Fargo Bank as the depository bank for the City's funds based on the submitted Application for Depository Services and authorize the City staff to negotiate, City Attorney to review. and the City Manager to sign any contracts or other documents required to effectuate the contract. This is a five year contract.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana and Holguin

NAYS: None

NOT PRESENT FOR THE VOTE: Representative O'Rourke

ABSENT: Representative Ortega

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ITEMS 17A – 17D TAKEN TOGETHER FOR DISCUSSION  
ITEMS 17A – 17B VOTED ON TOGETHER

**17A.**

**RESOLUTION**

**WHEREAS**, the El Paso Water Utilities/Public Service Board (PSB) has jurisdiction and control over a 5.00 acre parcel of real property located within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference; and,

**WHEREAS**, as part of the General Conditions and Instructions to Bidders on the sale of 122.2 acres of real property located within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas and subsequently sold by the City of El Paso (City) to EPT Land Assets, LP on January 25, 2006, the 5.00 acre parcel of land described in Exhibit "A" was set aside by the PSB to be transferred to the City for park purposes; and,

**WHEREAS**, the PSB finds that the 5.00 acre parcel of land is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a park will not impair the assets of the PSB or adversely affect the operations thereof,

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the Public Service Board and the City Council and made a part of this Joint Resolution by this reference for all purposes.

Section 2. The City and the PSB hereby agree that the real property described as a 5.00 acre parcel of land located within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, and described in Exhibit "A" shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for use by the City as a City park in accordance with the terms of this Joint Resolution.

Section 3. The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land, or as shown on a survey of the property, or apparent on the ground.

Section 4. The PSB hereby retains any and all water rights or rights to water for the Property.

**17B.**

**RESOLUTION**

**WHEREAS**, the El Paso Water Utilities/Public Service Board (the PSB) has jurisdiction and control over a 6.6953 acre parcel of real property located within a portion of Section 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference; and,

**WHEREAS**, as part of the 2005 General Conditions and Instructions to Bidders on the sale of two parcels of land located within a portion of Sections 21 and 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas and identified as Parcel "A" (117.5 acres) and Parcel "B" (120.7 acres) and more particularly described by metes and bounds in the attached Exhibits "B" and "C" incorporated by reference, a 5.00 acre parcel of land identified within Parcel "B" was set aside by the PSB to be transferred to the City for park purposes; and,

**WHEREAS**, prior to the closing on the sale of Parcel "B" to Tropicana Development, Inc., a discrepancy regarding an archaeological site was identified; and,

**WHEREAS**, the PSB resolved the archaeological dispute by selling a 127.3891 acre parcel of land, now identified as the new Parcel "B", located within a portion of Section 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas and more particularly described by metes and bounds in the attached Exhibit "D" to Tropicana Development, Inc., which real property was then conveyed by Tropicana Development, Inc. to Northtowne Village Joint Venture; and,

**WHEREAS**, on Jan. 31, 2006, Northtowne Village Joint Venture conveyed a 6.8753 acre parcel of property from Parcel "A" to the PSB which was to be transferred to the City for park purposes rather than the 5.00 acre parcel which had been originally identified in Parcel "B"; and,

**WHEREAS**, on May 21, 2008, a Correction Warranty Deed was recorded to correct an error in the metes and bounds description in the Jan. 31, 2006 deed recorded, and the new metes and bounds

description identifies a 6.6953 acre parcel of land which is the parcel PSB will transfer to the City for park purposes, which property is described in Exhibit "A"; and,

**WHEREAS**, the PSB finds that the 6.6953 acre parcel of land is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a park will not impair the assets of the PSB or adversely affect the operations thereof,

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the PSB and the City Council and made a part of this Joint Resolution by this reference for all purposes.

Section 2. The City and the PSB hereby agree that the real property described as a 6.6953 acre parcel of land located within a portion of Section 22, Block 81, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, and described in Exhibit "A" shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for use by the City as a City park in accordance with the terms of this Joint Resolution.

Section 3. The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land, or as shown on the a survey of the property, or apparent on the ground.

Section 4. The PSB hereby retains any and all water rights or rights to water for the Property.

Mayor Cook and Representatives O'Rourke, Byrd, Castro and Quintana commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, presented a PowerPoint presentation (on file in the City Clerk's office).

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.
4. Ms. Theresa Cullen, Deputy City Attorney, gave legal advice.
5. Ms. Nick Costanzo, Assistant General Manager for El Paso Water Utilities

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

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ITEMS 17A – 17D TAKEN TOGETHER FOR DISCUSSION  
ITEMS 17C – 17D VOTED ON TOGETHER

17C.

### RESOLUTION

**WHEREAS**, the El Paso Water Utilities/Public Service Board (the PSB) has jurisdiction and control over a 5.1875 acre parcel of real property located within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas; and,

**WHEREAS**, the City of El Paso (City) is interested in acquiring the identified property for park purposes; and,

**WHEREAS**, the PSB finds that the tract of land requested to be relinquished to the City is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a neighborhood park will not impair the assets of the PSB or adversely affect the operations thereof; and,

**WHEREAS**, the PSB and the City have determined that the City will pay a reasonable compensation of \$112,984.00 to the PSB for the tract of land, and this compensation is twenty-five percent (25%) of \$451,936.00, which is the market value of the property identified by using comparable sales in the area,

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the PSB and the City Council and made a part of this Joint Resolution by this reference for all purposes.

Section 2. The City and the PSB hereby agree that the real property and improvements described as a 5.1875 acre parcel of land located within all of Tracts 2C-1, 2A-2, 2B & 2B-3, Block 6, Ascarate Grant, El Paso, El Paso County, Texas shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for use by the City as a City park in accordance with the terms of this Joint Resolution.

Section 3. The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land or apparent on the ground.

Section 4. The PSB hereby retains any and all water rights or rights to water for the Property.

17D.

### RESOLUTION

**WHEREAS**, the El Paso Water Utilities/Public Service Board (the PSB) has jurisdiction and control over a 6.089 acre parcel of real property located within a portion of Section 21, Block 81, Township 1, Texas

and Pacific Railway Surveys, El Paso, El Paso County, Texas, and more particularly described by metes and bounds in the attached Exhibit "A" incorporated by reference; and,

**WHEREAS**, the City of El Paso (City) is interested in acquiring the identified property for park purposes; and,

**WHEREAS**, the PSB finds that the tract of land requested to be relinquished to the City is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a neighborhood park will not impair the assets of the PSB or adversely affect the operations thereof; and,

**WHEREAS**, the PSB and the City have determined that the City will pay a reasonable compensation of \$82,887.00 to the PSB for the tract of land, and this compensation is twenty-five percent (25%) of \$331,546.00, which is the market value of the property identified by using comparable sales in the area,

**NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the PSB and the City Council and made a part of this Joint Resolution by this reference for all purposes.

Section 2. The City and the PSB hereby agree that the real property described as a 6.089 acre parcel of land located within a portion of Section 21, Block 81, Township 1, Texas and Pacific Railway Surveys, El Paso, El Paso County, Texas and more particularly described by metes and bounds in the attached Exhibit "A" shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for use by the City as a City park in accordance with the terms of this Joint Resolution.

Section 3. The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land, or as shown on a survey of the property, or apparent on the ground.

Section 4. The PSB hereby retains any and all water rights or rights to water for the Property.

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

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

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Motion made by Representative Acosta, seconded by Representative Holguin, and unanimously carried to **ADJOURN** this meeting at 1:03 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk