

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 19, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Carl Robinson, Rachel Quintana, and Beto O'Rourke. Late arrivals: Steve Ortega at 8:38 a.m. during Executive Session deliberations, Emma Acosta at 8:43 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at approximately 8:50 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

EL PASO NURSING HOME & ASSISTED LIVING ACTIVITY DIRECTORS WEEK

RECOGNITION

**El Paso Police Department –
El Paso's Latest Designation as the 2nd Safest City in the United States**

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 member of the public commented:

1. Ms. Lisa Turner

.....
Motion made by Representative Robinson, seconded by Representative Byrd, 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
Section 551.072

CONSULTATION WITH ATTORNEY
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 Acosta, Holguin, and Ortega

Motion made by Representative Byrd, seconded by Representative O'Rourke, and unanimously carried to adjourn the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Robinson

.....
EX1. Application of El Paso Electric Company to implement an interim fuel refund before the Public Utility Commission of Texas, Docket No. 37788. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried to grant the authority to the City Attorney **TO SETTLE, NEGOTIATE SETTLEMENT AGREEMENT AND SIGN ALL DOCUMENTS** on behalf of the City of El Paso to resolve the Application of El Paso Electric Company to Implement an Interim Fuel Refund before the Public Utility Commission of Texas, Docket No. 37788.

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

Mr. Norman Gordon, outside counsel, gave legal advice.

.....
EX2. Application of El Paso Electric Company to change rates, to reconcile fuel costs, to establish formula-based fuel factors, and to establish an energy efficiency cost recovery factor, and intervention on behalf of the City of El Paso regarding such application before the Public Utility Commission of Texas, Docket No. 37690. (551.071)

NO ACTION was taken on the item.

.....
EX3. 1725 Arizona. (551.071 and 551.072)

NO ACTION was taken on the item.

.....
CONSENT AGENDA

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

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

.....
1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 12, 2010.

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

NO ACTION was taken on this item.

.....
3A.

***RESOLUTION**

That the City Manager be authorized to sign a Loan Assumption Agreement and Modification of HOME Financial Terms Contract, Notes and Lien (the "Agreement") by and among the City of El Paso, Al Rivera, Martha Rivera, Gregory D. Rivera, El Paso Rivera Investments, Ltd., and Robert Malooly concerning the City's consent to the transfer of the property located at 1326 Wyoming, El Paso, Texas, to Robert Malooly and assumption of all borrower obligations under the loan documents, including modifications thereto.

Representative Byrd commented.

Mr. William Lilly, Director of Community and Human Development, commented.

.....
3B.

***RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding between the City of El Paso and the Housing Authority of the City of El Paso ("HACEP") concerning the procedures for the City's Relocation Office advisory assistance in conjunction with the City's code enforcement activities and its referral of income-eligible tenant households to HACEP under the displaced person/family preference for admission to public housing or other publicly-assisted housing.

.....
3C.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 24th day of June, 2009, after due notice and hearing, issued an order to Antonio R. Chavez (a/k/a A.R. Chavez and Luz G. Chavez, Luz Guerra, Mike Chavez, Robert Chavez, Huberto S. Enriquez, Estate of A.R. Chavez), record Owners of the hereinafter described property that the main structure be secured, demolish the accessory structure 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 secured the main structure, demolish the accessory structure within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days 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 main structure, demolish the accessory structure within 30 days and to clean the premises of all weeds, trash, and debris all within 30 days, more particularly described as:

Lot 5 and South 14 Feet of Lot 4, Block 57, Altura Park Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 2710 Piedras Street, El Paso, Texas.

to be \$7,341.40, performed by the Street Department of the City of El Paso, and \$1,432.09, performed by the City Clerk's Office and Development Services Department, making a total of \$8,773.49. The City Council finds that the work was completed on the 7th day of November, 2009, 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 \$8,773.49 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.

.....
3D.

***RESOLUTION**

That the City Manager be authorized to sign a Developer Participation Agreement between the City of El Paso and EPT Land Assets, LP, to allow the City to participate in the cost of construction of improvements within a 30' wide pedestrian right-of-way located in Sandstone Ranch Estates Unit Five subdivision in an amount not to exceed \$12,997.82, pursuant to Texas Local Government Code, Chapter 212, Subchapter C, Section 212.071, and with Section 19.10.040 of the City Subdivision Code.

.....
3E.

***RESOLUTION**

That the City Manager be authorized to sign an agreement with the El Paso Electric Company for the purpose of providing electrical service to the Cielo Vista Library, 1300 Hawkins, El Paso, Texas. Said property being more particularly described as a portion of Tract 4A-31-C, Block 2, Ascarate Grant Subdivision, El Paso, El Paso County, Texas.

.....
3F.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Jay & Janice Alexander, 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:

201 W. Sunset Drive, more particularly described as Lot(s) 31 A-1 (2.1017 AC) & 31-A-4-A (0.469 AC) & 31-A-3-A (0.022 AC) (2.5927 AC), Block 4,

Upper Valley Subdivision, El Paso, El Paso County, Texas, Parcel #U819-999-0040-3117

to be \$72.53, 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 \$96.53. The City Council finds that the work was completed on the 12th day of August, 2009, 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 \$96.53 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Andrea Rodriguez, 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:

3511 Polk Avenue, more particularly described as Lot(s) 11 & 12 (6000 sq. ft.),
Block 85, Morningside Heights Subdivision, El Paso, El Paso County, Texas,
Parcel #M794-999-0850-3100

to be \$211.07, 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 \$235.07. The City Council finds that the work was completed on the 17th day of August, 2009, 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 \$235.07 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Jose & Josefina Milan, 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) 6, Block 15, Sambrano Subdivision, City of El Paso, El Paso County, Texas, Parcel #S052-999-0150-2400

to be \$101.65, 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 \$125.65. The City Council finds that the work was completed on the 13th day of August, 2009, 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 \$125.65 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Pablo 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:

516 Emerson Street, more particularly described as Lot(s) 17 (EXC W 10.07 FT) (17747.24 sq. ft.), Block 3, Linda Vista Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #L362-999-0030-6400

to be \$291.64, 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 \$315.64.

The City Council finds that the work was completed on the 18th day of August, 2009, 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 \$315.64 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Paul & Maria E. 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:

520 Emerson Street, more particularly described as Lot(s) 18 EXC W 10.07 FT (17400.95 sq. ft.), Block 3, Linda Vista Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #L362-999-0030-6700

to be \$198.13, 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 \$222.13. The City Council finds that the work was completed on the 17th day of August, 2009, 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 \$222.13 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Steve A. & Jamey J. Thrasher, 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:

7431 Rose Circle, more particularly described as Tract 20 (0.29 Acre) (12067 sq. ft.), Paisano Subdivision, El Paso, El Paso County, Texas, Parcel # P089-999-0010-6700

to be \$164.10, 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 \$188.10. The City Council finds that the work was completed on the 12th day of August, 2009, 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 \$188.10 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Federal National Mortgage Association, 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:

11684 Kristy Weaver Drive, more particularly described as Lot(s) 16 (5760.13 sq. ft.), Block 82, Vista Hills #23 Subdivision, El Paso, El Paso County, Texas, Parcel #V897-999-0820-1600

to be \$167.06, 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 \$191.06. The City Council finds that the work was completed on the 19th and 20th days of August, 2009, 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 \$191.06 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Oracio Zamora, 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:

100 Cinecue Drive, more particularly described as Tract 10-B (1.16 Acres),
Block 33, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-
999-0330-1010

to be \$305.27, 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 \$329.27. The City Council finds that the work was completed on the 5th day of August, 2009, 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 \$329.27 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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, Erik Martinez, 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:

1105 Arizona Avenue, more particularly described as Lot(s) 27 & E 1/2 of Lot 26 (Homesite) (4000.00 sq. ft.), Block 286, Pierce Finley Subdivision, El Paso, El Paso County, Texas, Parcel #P795-999-2860-6100

to be \$92.67, 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 \$116.67. The City Council finds that the work was completed on the 26th day of August, 2009, 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 \$116.67 to be a lien on the above-described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 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.

.....
4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Heinrich Uhrmacher to the Foster Grandparent Program Advisory Council by Representative Carl Robinson, District 4.

.....
4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ann F. Kruzich to the El Paso Museum of Archaeology Advisory Board by Representative Carl Robinson, District 4.

.....
5. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Kristi K. Borden to the City Plan Commission (to serve an unexpired term) by Representative Susie Byrd, District 2.
.....

6. APPLICATIONS FOR TAX REFUNDS

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

- A. Bac Tax Service Corporation in the amount of \$3,013.96 overpayment of 2009 taxes. (PID #C102-000-0030-0700).
- B. Stewart Title of El Paso in the amount of \$3,061.33 overpayment of 2009 taxes. (PID #C518-999-0590-1800).
- C. Stewart Title in the amount of \$3,453.94 overpayment of 2009 taxes. (PID #N425-999-0050-2000).
- D. Government Relocating Group in the amount of \$7,987.91 overpayment of 2009 taxes. (PID #R460-999-0090-1300).
- E. First American Real Estate Tax Service in the amount of \$3,707.06 overpayment of 2008 taxes. (PID #S533-000-0090-1700).
- F. Stewart Title of El Paso in the amount of \$2,608.08 overpayment of 2009 taxes. (PID #T527-999-0260-6100).
- G. Litton Loan Servicing in the amount of \$2,991.10 overpayment of 2009 taxes. (PID #V893-999-1680-4500).
- H. Government Employees Credit Union in the amount of \$3,798.33 overpayment of 2009 taxes. (PID #V897-999-0910-1100).

.....
7A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manger for Financial Services, Purchasing Division, to issue purchase order(s) to Bazaar Uniforms & Men's Store, LeHigh Safety Shoe Company, and Northern Imports, Inc. d/b/a Work Wear Safety Shoes, under the Region 19 Cooperative Purchasing Program Contract 08-6133 for work uniforms and shoes to various departments as the need arises in an estimated amount of \$75,000. This is in addition to previous purchase orders in the amount of \$75,000. Total projected expenditures are \$150,000.

The participation by the City of El Paso in the Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department:	Various
Account No.:	Various
Funding Source:	Various
Total Estimated Amount:	\$75,000 (Total Projected Expenditure is \$150,000)
Reference No.:	2010-107

Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Mr. Terrence Freiburg, Purchasing Manager, commented.

.....
7B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manger for Financial Services, Purchasing Division, to issue a purchase order to Kinloch Equipment & Supply, Inc.; the sole authorized sales and parts distributor in the El Paso, Texas, for Elgin Sweeper proprietary parts. Estimated annual amount is \$85,000. Total estimated three year award is \$255,000 with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Department: General Services
 Airport
 Annual Estimated Amount: \$85,000
 Account No.: 37370510 – 503121 – 45202
 62620003 – 503121 - 40101
 Funding Source: General Services, Internal Service Fund
 Airport Cost Centers
 Total Estimated Award: \$255,000 (3 years)
 Sole Source No.: 2010-065

.....
8A. – 8C. INTRODUCTIONS

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

- 8A.** An Ordinance amending Title 19 (Subdivisions), Chapter 19.15 (Roadways), Section 19.15.110 (Street Width and Design), of the El Paso City Code to remove 36-foot wide paving widths on local, single family residential streets. The penalty as provided in Chapter 19.42 of the El Paso City Code.
- 8B.** An Ordinance amending Title 5 (Business, Taxes, Licenses and Regulations), Chapter 5.32 (Public Swimming Pool Licenses), clarifying the application processing and license issuance provisions in 5.32.060 and 5.32.070; moving the correction and re-inspection, suspension, revocation, and appeals processes to Chapter 9.48; adding a water sampling fee to Section 5.32.140 (Fees); the penalty as is provided in Section 5.32.160 of the El Paso City Code.
- 8C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.48 (Public Swimming Pools and Spas), to delete references to bacteriological water sampling; to clarify signage in Section 9.48.130; to clarify violation categories in Section 9.48.150; to clarify suspension criteria in Section 9.48.250; to add revocation and appeal language in Sections 9.48.255 and 9.48.270, respectively; the penalty as provided in Section 9.48.260 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 26, 2010, FOR ITEMS 8A – 8C

.....
9. FINANCIAL SERVICES

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase order(s) to Spectrum Wireless, Inc. d/b/a Comtex Communications under the State’s TXMAS Contract No. 9-23V030 to purchase a Mobile Incident Command Vehicle for the El Paso Fire Department Emergency Operations Center for the total estimated amount of \$899,974.19. The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Fire

Account No.: 22150024 – 07189 – 502225 – G220908
Funding Source: FEMA - FY 2008 Homeland Security Grant Program (HSGP) - Urban Areas Security Initiative (UASI)
Total Estimated Award: \$899,974.19
Reference No.: 2010-124

Assistant Fire Chief Calvin Shanks, Division Chief of Office of Emergency Management, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Quintana, O’Rourke, Byrd, Robinson, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Assistant Fire Chief Michael Calderazzo
4. Assistant Police Chief Eric Shelton

.....
10. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** 26 weeks the public hearing on an Ordinance changing the zoning of a portion of Section 30, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject property: southeast corner of US Highway 54 and McCombs Street.

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

Ms. Joyce Wilson, City Manager, and Mr. Mathew McElroy, Deputy Director of Planning, commented.

.....
11A. MAYOR AND COUNCIL

Presentation by Mayor Cook regarding the National League of Cities Board training and meeting.

Mayor Cook presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Lilly commented.

NO ACTION was taken on the item.

.....
11B. MAYOR AND COUNCIL – Legislative Review Committee Report

1. For notation: Formal report of the Transportation Legislative Review Committee meeting held on January 7, 2010, as submitted by Representative Beto O’Rourke; and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Presentation, discussion and action on creating bicycle rental stations within the City of El Paso.

- b. Presentation, discussion and action on a parking meter Pilot Demonstration of Duncan Technologies “Pay by Space” and IPS Group “Single Space Parking Meter” systems that allow multiple payment options including credit and debit cards
- c. Presentation and discussion of Sun Metro performance measures and goals for the time period of Fiscal Year 2009 and Fiscal Year 2010.

Representative O’Rourke commented.

Ms. Jane Shang, Deputy City Manager of Mobility Services, commented.

NO ACTION was taken on the item.

.....
11C. MAYOR AND COUNCIL

Discussion and action to send a resolution to the Texas State Board of Education supporting the inclusion of Cesar Chavez, Civil Rights Activist, in the Texas Textbook Curriculum.

Representative Holguin commented.

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

.....
12.

R E S O L U T I O N

That a waiver of the program cap on the maximum amount of assistance under the City’s Single Family Owner-Occupied Reconstruction Program be approved so that the City can provide additional funds of approximately \$8,000 to the homeowner for completion of the owner-occupied home reconstruction project located at 604 S. Campbell, El Paso and the owner’s compliance with the City’s International Fire Code requirements.

Representative Robinson commented.

Mr. William Lilly, Director of Community and Human Development, commented.

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

.....
13. CITY MANAGER

City Manager’s report of current events and issues:

Discussion and action on Quarterly Financial Report: 1st Quarter Financial Report for Fiscal Year 2010.

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

Representatives Holguin, Byrd, Acosta, and Robinson commented.

Ms. Richarda Momsen, Municipal Clerk, commented.

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on the item.

.....
ADDITION TO THE AGENDA

1. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Brian Burds to the Public Utility Regulation Board as District 4 nominee to replace Joe Melendez.

.....
Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 10:35 a.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk