

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

- SUSAN AUSTIN
DISTRICT NO. 1
- ROBERT A. CUSHING, JR.
DISTRICT NO. 2
- JOSE ALEXANDRO LOZANO
DISTRICT NO. 3
- JOHN F. COOK
DISTRICT NO. 4
- PRESI ORTEGA, JR.
DISTRICT NO. 5
- PAUL J. ESCOBAR
DISTRICT NO. 6
- VIVIAN ROJAS
DISTRICT NO. 7
- ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 25, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alejandro Lozano, John F. Cook, Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Late Arrival: Presi Ortega, Jr. arrived at 10:33 a.m. Meeting was called to order at 9:07 a.m. and the invocation was given by Pastor Billy Williams, followed by the Pledge of Allegiance to the Flag of the United States of America.

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NO ACTION WAS TAKEN on the following item: Inform City Council of Asarco's support in the community. Asarco employs good people with good paying jobs. City Council should help stop the lies. We do not want minimum wage jobs. [Juan Aguirre, Jr.]

Mr. Juan Aguirre, Jr., citizen, commented in favor of opening Asarco again in El Paso.

Mayor Wardy and Representatives Cushing and Cobos commented on the community's opposition to opening Asarco.

The following members of the public commented in opposition to Asarco's re-opening:

- 1. Mr. Rick Provencio, citizen;
- 2. Mr. Taylor Moore, citizen;
- 3. Mr. Daniel Arellano, citizen;
- 4. Mr. Stuart Mitchell, citizen, President of the Mountain Arroyos Neighborhood Association.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RECESS** the City Council Meeting to discuss the Mass Transit Board Meeting at 9:33 a.m.

Representatives Ortega was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 10:04 a.m.

Representatives Ortega was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cook 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 {*}).

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 18, 2005 and Special City Council Meeting of January 17, 2003.

Representatives Ortega and Cobos were not present for the vote.

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1ST MOTION:

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **EXCUSE** absent City Council Member Presi Ortega, Jr. from the Regular City Council Meeting of January 25, 2005.

Representatives Ortega and Cobos were not present for the vote.

2ND MOTION:

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **RECONSIDER** the request t excuse absent City Council Member Presi Ortega, Jr. from the Regular City Council Meeting of January 25, 2005.

3RD MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **DELETE** the request to excuse absent City Council Member Presi Ortega, Jr. from the Regular City Council Meeting of January 25, 2005.

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***RESOLUTION**

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

THAT the Mayor be authorized to sign an Agreement between the City of El Paso and Transmountain Oil Company, L.C. for the transfer and receipt of the Internal Revenue Service refund of federal excise taxes paid during the 2003 tax year Claim in the total amount of \$9,904.00.

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***RESOLUTION**

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

That the Mayor be authorized to sign the Lessor's Approval of Sublease between City of El Paso ("Lessor"), Henry L. Taylor ("Lessee"), and The Department of Homeland Security, Customs and Border Protection ("Sublessee") for office space located in the premises currently leased to the Lessee municipally known and numbered as 7301 Boeing Drive, El Paso, Texas.

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RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 13th day of July, 2004, after due notice and hearing, ordered JOSE QUINTANA, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings

and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections 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 demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 20, Block 22, W.B. Latta's "Woodlawn" Addition, an Addition to the City of El Paso, El Paso County, Texas according to the map thereof on File in Book 13, Page 53, Plat Records of El Paso County, Texas, municipally known and numbered as 3802 E. San Antonio Avenue, El Paso, Texas,

to be \$6,025.26, performed by the Street Department of the City of El Paso, \$784.55 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$6,809.81. The City Council finds that the work was completed on the 22nd day of October, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SIX THOUSAND EIGHT HUNDRED NINE and 81/XX DOLLARS (\$6,809.81) 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.

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***RESOLUTION**

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

That the City Manager may sign a GSA Standard Form 30, Amendment of solicitation/modification of contract, and other GSA/Federal Forms required to complete the design of the Storm Drain System for the Santa Fe Bridge/Paso Del Norte Port of Entry Expansion Project within City property.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make the necessary budgetary adjustments or transfers to carry out the intent of this Resolution.

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***RESOLUTION**

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

That the Mayor be authorized to execute and file a Grant Application with the Paso del Norte Health Foundation, on behalf of the City's Retired and Senior Volunteer Program, in the amount of \$35,550, such application to be in effect from April 1, 2005 through March 31, 2006; and

That Robert A Salinas, Director of Community and Human Development Department, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the Grant Application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program. No City matching funds required.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Landscape Architectural Services between the **CITY OF EL PASO** and **LANDSCAPE ARCHITECTURAL SERVICES, INC.** for a project known as "**Capistrano Park Improvements**" for an amount not to exceed FORTY THOUSAND ONE HUNDRED SIXTY-TWO AND NO/100 DOLLARS (\$40,162.00).

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Consultant Services by and between the **CITY OF EL PASO** and **SITES SOUTHWEST**, for a project known as "**Caribe Park Improvements**" in an amount not to exceed FIFTEEN THOUSAND FOUR HUNDRED NINETY-TWO AND 50/100 DOLLARS (\$15,492.50).

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **ASA ARCHITECTS STUDIO** for a project known as "**South El Paso Senior Center Restrooms Renovations**" for an amount not to exceed EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00).

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***RESOLUTION**

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Airport Operations Officer** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5319**. The Grade shall be **PM 77**.

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***RESOLUTION**

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

That the Mayor be authorized to sign an agreement accepting an award from the Texas State Library & Archives Commission ("the Commission"), together with related documents, for a grant under the Lone Star Libraries Grant Program (Grant No. 442-05149) in the amount of \$45,611, on behalf of the El Paso Public Library. Funds received under the grant are to be spent on technology, programs, and continuing education at the Library in accordance with the Lone Star Libraries Plan of Action 2005 previously submitted to and approved by the Commission. No matching funds are required.

***RESOLUTION**

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

That the Mayor be authorized to sign an Interlocal Agreement with Texas Cooperative Extension Services to provide management and problem-solving services for the City's Quality of Life Departments. The Agreement will be for a one-year term and shall not exceed a total cost of \$55,000. Funding shall be from the following sources: Library/Restricted Funds; Zoo/Enterprise Fund; Parks/General Fund.

***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Architectural Services between the CITY OF EL PASO and LUCERO MELENDEZ ARCHITECTS, a corporation registered in the State of Texas, for a project known as "Chelsea and Hawkins Pool Improvements" for an amount not to exceed FORTY-SEVEN THOUSAND ONE HUNDRED NINETY AND 60/100 DOLLARS (\$47,190.60)."

***RESOLUTION**

That the Mayor be authorized to sign a 2nd Amendment to the Agreement by and between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc., in conjunction with a grant from the United States Department of Labor, to revise the amount of the agreement and the list of objectives and project budget accordingly. To authorize the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, when applicable.

NOTE: Resolution was revised.

***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Victim Services Response Team be operated for the July 1, 2005 – June 30, 2006 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates Mayor Joe Wardy as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1. That the El Paso City Council approves submission of the grant application for the Victim Services Response Team project to the Office of the Governor, Criminal Justice Division.
2. The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the

amount of \$97,234.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Response Team.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$18,432.00 and in-kind match of \$5,877.00.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The Mayor be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Court Appointed Special Advocates; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$588,400.00 from the Texas Department of Transportation, for a STEP-DWI, Alcohol and Other Drug Countermeasures-Speed, Police Traffic Services grant to conduct selected traffic enforcement programs focusing on DWI and speeding violations throughout the City of El Paso; that the Mayor be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In kind match required in the amount of \$333,105.00.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$89,387.00 from the Texas Department of Transportation, for a Safe Communities project to educate the public in an effort to curb attitudes and perceptions regarding traffic incidents and fatalities by evaluating local crash information and to conduct pedestrian safety and occupant protection education and enforcement; that the Mayor be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. An in-kind match is required in the amount of \$42,543.00 and a cash match is required in the amount of \$8,353.00.

***RESOLUTION**

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

That the Mayor be authorized to sign release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
0000 George Dieter Drive/Pendale Street	\$502.82	\$154.21	\$657.03

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 1 st day of March, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 770 Hempstead Dr., in El Paso, Texas, which property is more particularly described as:

Lot 1, Block 18, WEST HILLS UNIT FOUR, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 61, Page 31, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Karen Pamela Smythe, Mabel S. Haith, 770 Hempstead Dr., El Paso, TX, 79912 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 22ND day of February, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the mobile home located on the property at 10121 Dyer St., Space 32, in El Paso, Texas, which property is more particularly described as:

Lots: 7, 8, 9, and 10, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 16, Page 62, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lilian Heller, trustee for the Heller Family Trust, 7909 Big Bend, El Paso, TX, 79904 is listed as the owner of the real property described herein and Guadalupe Villa, 5616 Tropicana Avenue, El Paso, Texas 79924 is listed as the owner of the mobile home according to the records of El Paso Central Appraisal District.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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

- A. Uribe, Sandra – Secretary I
- B. Monreal, Manuel – Clerk Typist II

C. Foster, Terry – Coach Operator

D. Silva, Antonio – Refuse Collection Division Supervisor

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Systems Accountant (1)
Fund Source: 05010017-01101-05000

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for **Comptroller**

Delete	1.00	Treasury Services Analyst	PM 72
Add	1.00	Accountant III	PM 79

Fund Source: 05010019-01101-05000

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Conrad Conde to the El Paso Bond Overview Advisory Committee (BOAC) by Mayor Pro-Tem Anthony W. Cobos, District 8.

Representative Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Jerry Jarvis to the Ethics Review Commission by Mayor Pro-Tem Anthony W. Cobos, District 8.

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Kevin von Finger to the Flood Damage Prevention Board of Appeals by Mayor Pro-Tem Anthony W. Cobos, District 8.

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Melvin G. Glass to the Building Board of Appeals as an Alternate of the Electrical or Mechanical Engineer category by Mayor Pro-Tem Anthony W. Cobos, District 8.

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** installation, power, and maintenance of residential street lights at the following locations:

A. Alley behind 3630 Jackson Cost: \$464.00
Dept. ID #01153002; Acct. #504420; Fund #01101; Class #01001

B. Corner of Justus and Harrison Cost: \$899.00
Dept. ID #01153002; Acct. #504420; Fund #01101; Class #01001

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for AD VALOREM taxes be **APPROVED** in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

A. PID #A765-999-002J-0821, \$1,145.54 per month installments on a balance of \$11,455.40 for 2001, 2002 & 2003 taxes; TBI-Texas Business International – 5710 Trowbridge Dr.

B. PID #S075-000-0300-18B0, \$441.13 per month installments on a balance of \$2,646.78 for 2002 & 2003 Taxes; Ambrosio Perez – 1472 San Antonio.

C. PID #A642-999-028B-4100, \$247.53 per month installments on a balance of \$2,970.36 for 2003 taxes; Mary E. Dorchester – 10624 Tiber.

D. PID #M173-000-000B-0008, \$393.67 per month installments on a balance of \$2,362.02 for 2001, 2002 & 2003 taxes; Lourdes & Ignacio Saavedra – 184 McKnight St.

E. PID #V893-999-0510-5100, \$488.37 per month installments on a balance of \$8,790.66 for 2000, 2001 & 2002 taxes; Carol A. Medina – 2102 Febrero Dr.

Representatives Ortega and Cobos were not present for the vote.

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

A. Sierra Title Company in the amount of \$8,238.06 overpayment of 2004 taxes.
(PID #0415-999-0000-9905)

B. Wells Fargo Home Mortgage in the amount of \$26,863.08 overpayment of 2003 taxes.
(PID #M344-999-0250-1700)

C. Lone Star Title Company in the amount of \$4,412.93 overpayment of 2004 taxes.
(PID #S812-999-0250-3500)

D. Sierra Title Company in the amount of \$3,333.50 overpayment of 2004 taxes.
(PID #T527-999-0160-6100)

E. Carlos Sierra & Alicia Sierra in the amount of \$3,004.34 overpayment of 2004 taxes.
(PID #V897-999-1080-4400)

Representatives Ortega and Cobos were not present for the vote.

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*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No.: 2005-065 Household Hazardous Waste Disposal Services

Representatives Ortega and Cobos were not present for the vote.

Award to: EnviroSolve, LLC
 Tulsa, OK
 Item (s): All
 Amount: \$200,000.00 (estimated yearly)

Department: Solid Waste Management
 Funds available: 34010296-40403-502204
 Funding source: Outside Contracts
 Total award: \$400,000.00 (estimated)

Solid Waste Management Department and Purchasing Department recommends award as indicated. EnviroSolve, LLC, provided the lowest bid that meets all requirements of the Solicitation.

This is a twenty-four (24) month contract with the option to renew two (2) additional years on a month to month basis.

Representative Lozano asked questions

Ms. Ellen Smyth, Director of Solid Waste Management, gave the particulars.

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 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-446 AIRPORT

Transfer of funds to cover acquisition of an additional truck for the canine unit at the Airport. TSA has increased the grant to cover additional teams at the Airport.

Increase	\$25,000	to	62620020/P500004/508006	Vehicular Eq
Increase	\$25,000	to	62620020/P500004/407001	Intrfd Trf In
Increase	\$25,000	to	62620038/G629802/406000	FedGrantProc
Increase	\$25,000	to	62620038/G629802/507001	Intrfd Trf Out

Representatives Ortega and Cobos were not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** budget transfer BT2005-528 FINANCIAL SERVICES

Set up appropriation for a contract executive assistant in the City Manager's Department.

Decrease	\$40,931.00	from	10010274/01101	Personal Svcs
Increase	\$40,931.00	to	15010704/01101	Personal Svcs

Representatives Ortega and Cobos were not present for the vote.

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 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** Business License refund to Shirley Morales in the amount of \$70.00. Funding Source: Account 36010119-404119

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the request of Kern Place Merchant Association to use amplification (4 speakers) 2 speakers on the corner of Mesa and Cincinnati and 2 speakers on the corner of Cincinnati and Stanton facing Mesa on February 8, 2005 from 5:00 p.m. to 10:00 p.m. Approximately 50 persons will take part and 5,000 spectators are anticipated. . PERMIT NO. 05-003 [Kenn R. Velasquez]

Representatives Ortega and Cobos were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Northeast Civic Leaders to hold a parade on March 26, 2005 from 8:00 a.m. to 12:00 p.m. Route: Start on the intersection of Diana Drive and Railroad Drive north to Hercules; proceed on Diana (northbound) to Northgate Shopping Center. Approximately 1,500 persons, 200 vehicles, and 30 animals will take part and 6,000 spectators are anticipated. PERMIT NO. 05-002 [Jack Sturgis]

Representatives Ortega and Cobos were not present for the vote.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinance, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance amending Ordinance Numbers 009918, 010482, 010544, 011098, 011779, 012468, 013481 and 015805 which established and amended the Andy and Syd Cohen Stadium Lease between the City Of El Paso and the El Paso Diablos, Inc., which was subsequently assigned to El Paso Baseball Club, LLC, a Limited Liability Company which has been converted to a Texas Limited Partnership under the name El Paso Baseball Club, LP, to revise the obligation to pay rent as set forth in said Lease; to approve the assignment of Lessee's interest to El Paso Professional Baseball, LP; add two option periods; delete reporting requirements, and remove rental rates charged for outside events be approved by City Council.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2005

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

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **MOVE INTO EXECUTIVE SESSION** the discussion and action authorizing the City Attorney to hire Harless Benthul as outside counsel to assist in representing the City of El Paso in the contested case hearing for the ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR.

Mr. Taylor Moore, citizen, spoke regarding the need of the City to hire lawyers and consultants that do not have conflicts of interest regarding Asarco issues.

Mayor Wardy and Representative Cushing commented.

Representative Cook moved to approve hiring Harless Benthul as outside counsel. Motion died due to lack of second.

Representative Cushing moved to deny. Representative Rojas seconded.

Representative Cook questioned if a motion to deny was needed.

Ms. Lisa Elizondo, City Attorney, advised that there is no action required on this item.

NO ACTION WAS TAKEN on the discussion and action authorizing the City Attorney to hire Harless Benthul as outside counsel to assist in representing the City of El Paso in the contested case hearing for the ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on proposed amendment of the Cooperative Agreement establishing the City-County Health District.

Representatives Ortega and Cobos were not present for the vote.

.....
Motion made by Representative Austin, seconded by Representative Cook and carried to **APPROVE** the appeal by Michael Hyneman of "Steakpedos and Spirits" at 910 E. Redd Road, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code, with the affirmative finding that the 300 ft. does not serve the intended purpose because of the intervention of Redd Road and the fence around the school.

Representative Rojas abstained from the vote.

Raymond Bonilla, Building Permits and Inspections, gave the particulars.

The following members of the public commented:

1. Michael Hyneman, owner of Steakpedos & Spirits;
2. Mr. Stuart Mitchell, citizen.

Mayor Wardy and Representatives Cushing, Rojas, Lozano, Austin and Cobos commented.

Ms. Lisa Elizondo, City Attorney, requested that the motion be amended to include an affirmative finding.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code.

Representatives Ortega and Cobos were not present for the vote.

.....
RESOLUTION

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

THAT the Mayor be authorized to sign a Temporary Right of Entry Agreement by and between the City of El Paso (the "**City**") and the El Paso Scottish Rite Bodies (the "**Owner**") to continue to permit City Employee parking at the Owner's parking facilities, located at the intersection of Durango and Missouri Streets, through December 31, 2005, in order to remedy a shortage of available parking spaces for City employees working at City Hall.

Mr. Gonzalo Cedillos, Financial and Administrative Services, gave the particulars

Mayor Wardy thanked the El Paso Scottish Rite Bodies for allowing City employees to park at their facilities at no cost.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

Representative Rojas was not present for the vote.

.....
RESOLUTION

WHEREAS, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

WHEREAS, the selection of a construction contractor for the Leo Cancellare Pool Improvements, Solicitation No. 2005-034, shall be accomplished through the use of the Competitive Sealed Proposal Method; and

WHEREAS, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

WHEREAS, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

WHEREAS, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45th day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

WHEREAS, the City selects F. T. James Construction, Inc. as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City has successfully negotiated a contract with F. T. James Construction, Inc. and has, along with the Lucero-Melendez Architects Inc. and City of El Paso Engineering Department, discussed with F. T. James Construction, Inc. options for a scope or time modification and price change associated with the modification.

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

THAT the City of El Paso hereby awards Solicitation for Leo Cancellare Pool Improvements, No. 2005-034, to F. T. James Construction, Inc. in the amount of \$179,222.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

THAT the Mayor be authorized to sign the contract; and

THAT, the Mayor be authorized to execute budget transfers for this award and project as necessary; and

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

Mr. Byron Johnson, Purchasing Director, gave the particulars.

Joyce Wilson, City Manager, commented

Representatives Lozano and Cobos commented.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

Representative Rojas was not present for the vote.

.....
Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to **AWARD** Solicitation No. 2005-026 Judge Galatzan Park, Pebble Hills Park, Washington Park and Thomas Manor Park Improvements

Representative Rojas was not present for the vote.

Contractor: Blair-Hall Co., Inc.
El Paso, Texas

Department: Parks & Recreation

Funds Available: 14101001-PQLPA182-60182-508027, \$1,410,000.00
14200401-PBE04PA102-29102-508027, \$154,610.34
51159242-PBE04PA102-16186-508027, \$3489.66
51159242-PBE04PA102-16023-508027, \$900.00

Funding Source: 2000 Quality of Life & 2004 Bond Elections

Items: Base Bid I, II, III, IV, Alternates 1A, 1B and
Alternates Nos. 2 -16

Total Award: \$1,569,000.00

RECOMMENDATION:

The Departments of Engineering, and Parks & Recreation recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

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

Mr. Byron Johnson, Purchasing Director, gave the particulars.

.....
Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-050 El Paso International Airport Golf Course

Contractor: Golf Works, Inc.
Austin, Texas

Department:	Department of Aviation	
Funds Available:	62620026-PAP0023-41063-508027	
Funding Source:	Airport Revenue	
Items:	Base Bid	\$9,426,310.55 and
	Alternate No. 18	\$ 25,000.00
Total Award:	\$9,451,310.55	

The Departments of Engineering and Aviation recommend the award of this contract to Golf Works, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Mr. Pat Abeln, Director of Aviation, gave the particulars.

Mr. Bill Addington, member of the El Paso Sierra Club, expressed his concerns on better uses of reclaimed water.

Mayor Wardy and Representative Lozano commented.

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 *Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE EIGHT (8) WEEKS** the public hearing to determine if the property located at 1105 Loma Verde Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 19th, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representative Ortega and Cobos were not present for the vote.

.....
 Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **POSTPONE TWO (2) WEEKS** an Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code, the penalty being as provided in Section 18.02.107 of the El Paso City Code.

Mr. Alan Shubert, Building Permits and Inspections Director, gave a Powerpoint presentation (on file in the City Clerk Office).

The following members of the public commented in favor of adopting the outdoor lighting ordinance.

1. Mr. John Peterson, citizen;
2. Mr. David Turner, citizen;
3. Mr. Alberto Rivas, citizen;
4. Mr. Stuart Mitchell, citizen;
5. Mr. Bill Addington, El Paso Sierra Club

Mayor Wardy and Representatives Austin, Cook, Lozano and Rojas commented.

NOTE: Ordinance was moved to the forefront of the regular agenda.

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ORDINANCE 15989

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 12, BLOCK C, CHRISTY TRACT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-3 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Representative Rojas read a condition into the record to require a 6 ft. high wall on outer perimeter.

Mr. Eduardo Valencia, developer, agreed to the set conditions.

The City Clerk called for further public comment. There was no further public comment.

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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ORDINANCE 15990

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 32, BLOCK 3, SAHARA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

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ORDINANCE 15991

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 11, BLOCK 1, FARAH SUBDIVISION REPLAT A, EL PASO, EL PASO COUNTY, TEXAS, FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and answered questions from and responded to comments made by the Council Members.

Representative Lozano commented.

The City Clerk called for public comment. There was no public comment.

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

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

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

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lots 1 and 24, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxell. ZON04-00145.

Representatives Ortega and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees.

Representatives Ortega and Cobos were not present for the vote.

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ADDITION TO THE AGENDA

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Raymond P. Rutledge to the Historic Landmark Commission by Representative Paul J. Escobar, District 6.

Representatives Ortega and Cobos were not present for the vote.

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Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:45 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

- A. *Rolando Parra et. al. vs. Officer C. Jones, et. al.*; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas.
- B. *Frank Lopez III, et. al. vs. City of El Paso, et. al.*; Cause No. EP-05-CA-0009-FM in the United States District Court of Texas.
- C. Carmax Auto Superstores, Inc. Superstores, Inc., et al v. State of Texas, et al. v. Texas Automobile Dealers Association, et. al.; Cause No. 98-02879 in the 383rd Judicial District Court, El Paso County, Texas. (551.071)
- D. Discussion and action authorizing the City Attorney to hire Harless Benthul as outside counsel to assist in representing the City of El Paso in the contested case hearing for the ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 12:33 p.m., during which time motions were made as follows:

Representatives Ortega and Cobos were not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried that the City Attorney be authorized the settlement authority requested by the office of the City Attorney in the case styled *Rolando Parra et. al. vs. Officer C. Jones, et. al.*; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas and to authorize the City Attorney or her designee to execute all documents necessary to effectuate that authority.

Representatives Ortega and Cobos were not present for the vote.

Note: Language was revised.

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Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried that the City Attorney be authorized to negotiate and execute agreements with outside lawyers for the representation of the defendants who have already been served in the lawsuit styled *Frank Lopez III, et al vs. City of El Paso, Texas, et al*; Cause No. EP-05-CA-0009-FM in the United States District Court of Texas, to proceed in said case as recommended by the City Attorney's Office, and to provide the City Attorney with settlement authority as recommended by the City Attorney's Office.

Representatives Ortega and Cobos were not present for the vote.

Note: Language was revised.

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Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to proceed in the lawsuit styled *Carmax Auto Superstores, Inc., et al v. State of Texas, et al. v. Texas Automobile Dealers Association, et. al.*; Cause No. 98-02879 in the 383rd Judicial District Court, El Paso County, Texas as recommended by the City Attorney's Office.

Representatives Ortega and Cobos were not present for the vote.

NO ACTION WAS TAKEN on the discussion and action authorizing the City Attorney to hire Harless Benthul as outside counsel to assist in representing the City of El Paso in the contested case hearing for the ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR.

See discussion on page 13.

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Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 12:50 p.m.

Representatives Ortega and Cobos were not present for the vote.
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APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk