

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
FEBRUARY 20, 2007  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **ENTREPRENEURSHIP WEEK USA**
2. **NATIONAL TRIO DAY**
3. **NATIONAL GIRLS AND WOMEN IN SPORTS WEEK**
4. **NATIONAL ENGINEERS WEEK**

**MAYOR'S RECOGNITIONS**

**CHARTER REVIEW COMMITTEE AWARDS**

**Present to Receive Award:**

Mr. Elijah Graham  
Ms. Eileen Karlsruher  
Mr. Ali Boureslan  
Ms. Angie White  
Ms. Yolanda Giner  
Representative Steve Ortega  
Representative Susie Byrd  
Representative Jose Alexandro Lozano  
Representative Beto O'Rourke  
Ms. Elaine Hengen  
Ms. Shamori Whitt

**Not Present:**

Mr. Eddie Sosa  
Mr. Bobby Bowling, IV  
Mr. Rafael Martinez, Jr.  
Mr. Richard Roman  
Mr. Jesus Herrera  
Mr. Gus Haddad  
Mr. Bill Sparks

Representative O'Rourke commented.

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Marvin Rosenbaum

Mayor Cook and Representatives Lozano, O'Rourke, and Castro commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **ADJOURN** the Executive Session at 9:19 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Castro and O'Rourke

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**EX1.** Workers' Compensation subrogation interest regarding Andrea Abascal. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City **SETTLE** its workers' compensation subrogation interest in the claim of Andrea Abascal, as recommended by the City Attorney, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**EX2.** Workers' Compensation subrogation interest regarding Daniel Flores. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City **SETTLE** its workers' compensation subrogation interest in the claim of Daniel Flores, as recommended

by the City Attorney, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**EX3.** Workers' Compensation subrogation interest regarding Joseph Michael Sanchez. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City **SETTLE** its workers' compensation subrogation interest in the claim of Joseph Michael Sanchez, as recommended by the City Attorney, and that the City Manager and/or the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**EX4.** Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071).

\*Motion made, seconded, and unanimously carried to **DELETE** the item.

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**EX5.** Claim of Joe Wardy, our File No. 06-C-143. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Joe Wardy, Our File No. 06-C-143.

AYES: Representatives Byrd, Lozano, Castro, Steve Ortega, and O'Rourke  
NAYS: None  
ABSTAIN: Representative Holguin  
NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**EX6.** Discussion and action on potential collection matter involving Alef Humberto Lugo Lozano, our File No.: 07-C-025, and authorizing the City Manager to sign a Release and related documents. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City Manager be **AUTHORIZED TO SIGN A RELEASE** and all related documents concerning the incident involving Alef Humberto Lugo Lozano, our file number 07-C-025.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**EX7.** Angela Sommers vs. City of El Paso; Cause No. EP-06-CA-0407-KC. (551.071).

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the outside Counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Angela Sommers vs. City of El Paso; Cause No. EP-06-CA-0407-KC.

**ADDITION TO THE AGENDA**

**EX1.** A 0.341 acre parcel of land, more or less, being a portion of Elijah Bennett Survey No. 11, Tract 34-A-1, in the City of El Paso, El Paso County, Texas. (551.071) and (551.072).

Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Lozano, seconded by Representative Byrd, and carried that the City Manager or her authorized designee be **AUTHORIZED TO SIGN A CONTRACT OF SALE**, including a release of all claims, and necessary closing documents to acquire a parcel of land containing 0.341 acres, more or less, out of Elijah Bennett Survey No. 11, Tract 34-A-1, in the City of El Paso, El Paso County, Texas, and more particularly described on Exhibit "A" attached hereto for all purposes, from Donald C. Luciano in the amount of \$360,000.

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

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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Motion made by Representative O'Rourke, seconded by Representative Holguin, and unanimously carried to **RECESS** the City Council meeting at 11:31 a.m.

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Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative O'Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 11:40 a.m.

**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., 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, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 13, 2007, and the Special City Council Meeting of February 12, 2007 (Agenda Review).

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

**NO ACTION WAS TAKEN** on the item.

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**3A. RESOLUTION**

That the City Manager is authorized to sign a Lease Agreement between the City of El Paso and the El Paso Center for Mental Health and Mental Retardation Services, El Paso, Texas, for a parcel of City land being Lots 23-32, Block 135, East El Paso Addition, City of El Paso, El Paso County, Texas, and commonly known as 3410 Morenci Street, El Paso, Texas.

Representative Byrd commented.

Mr. William Lilly, Director of Community Development, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for one week.

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**3B.**

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JORGE PAREDEZ, owner 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 Department of Solid Waste Management 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:

536 La Cantera, Lot 26 (7000.00 SQ FT), Block 1, The Park at Chaparral  
Subdivision, City of El Paso, El Paso County, Texas, Parcel #T216-999-0010-  
2600,

to be \$412.43 performed by the Solid Waste Management 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 FOUR HUNDRED THIRTY SIX AND 43/100 DOLLARS (\$436.43). The City Council finds that the work was completed on the 8th day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED THIRTY SIX AND 43/100 DOLLARS (\$436.43) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, WESTGATE CENTER JOINT VENTURE WILLIS CONSTRUCTION COMPANY, owner 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 Department of Solid Waste Management 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:

5629 Hemmingway, Lot 5, Block 98, Sun Valley Subdivision, City of El Paso,  
El Paso County, Texas, Parcel #S816-999-0980-0900,

to be \$536.92 performed by the Solid Waste Management 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 FIVE HUNDRED SIXTY AND 92/100 DOLLARS (\$560.92). The City Council finds that the work was completed on the 8th and 11th days of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED SIXTY AND 92/100 DOLLARS (\$560.92) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIA D R MARTINEZ, owner 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 Department of Solid Waste Management 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:

916 Tyler Seth, Lot 26 (10892.60 SQ FT), Block 2, Westside Addition  
Subdivision, City of El Paso, El Paso County, Texas, Parcel #W181-999-0020-  
2600,

to be \$358.31, performed by the Solid Waste Management 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 THREE HUNDRED EIGHTY TWO AND 31/100 DOLLARS (\$382.31). The City Council finds that the work was completed on the 11th day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED EIGHTY TWO AND 31/100 DOLLARS (\$382.31) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JORGE MONTENEGRO, owner 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 Department of Solid Waste Management 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 1 to 7 & E 10 FT of 8, Block 54, Morningside Heights Subdivision, City of  
El Paso, El Paso County, Texas, Parcel #M794-999-0540-0200,

to be \$731.77 performed by the Solid Waste Management 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 SEVEN HUNDRED FIFTY FIVE AND 77/100 DOLLARS (\$755.77). The City Council finds that the work was completed on the 10<sup>th</sup>, 15<sup>th</sup>, and 17<sup>th</sup> days of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVEN HUNDRED FIFTY FIVE AND 77/100 DOLLARS (\$755.77) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARMINCO ENTERPRISES, owner 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 Department of Solid Waste Management 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:

5012-5016 Alameda, City of El Paso, El Paso County, Texas, being more particularly described as Tract 38-C (1.1000 ACRES) & 38-C-1 (0.3500 ACRE) & 38-C-3 (0.3130 ACRE) (1.7630 ACRES), E. BENNETT SURV 11, Parcel #X011-999-000C-7300,

to be \$245.73 performed by the Solid Waste Management 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 TWO HUNDRED SIXTY NINE AND 73/100 DOLLARS (\$269.73). The City Council finds that the work was completed on the 14<sup>th</sup> day of March, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SIXTY NINE AND 73/100 DOLLARS (\$269.73) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MERCEDES N. AYALA, owner 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 Department of Solid Waste Management 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:

221 Colfax, Lot 16 & 17, Block 1, Hadlock Suburban Gardens  
Subdivision, City of El Paso, El Paso County, Texas, Parcel #H042-999-0010-  
3700,

to be \$526.10 performed by the Solid Waste Management 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 FIVE HUNDRED FIFTY AND 10/100 DOLLARS (\$550.10). The City Council finds that the work was completed on the 6th day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED FIFTY AND 10/100 DOLLARS (\$550.10) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ABDOLKARIM SAADATKHAH, owner 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 Department of Solid Waste Management 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:

10120 Montana, City of El Paso, El Paso County, Texas, being more particularly described as TR 1-A (8.1209 ACRES), 80 TSP 2 SEC 39 T & P SURV, Parcel #X580-999-239A-0102,

to be \$1,674.20, performed by the Solid Waste Management 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 ONE THOUSAND SIX HUNDRED NINETY EIGHT AND 20/100 DOLLARS (\$1,698.20). The City Council finds that the work was completed on the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> days of February, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND SIX HUNDRED NINETY EIGHT AND 20/100 DOLLARS (\$1,698.20) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, RODOLFO & MANUELA H. LIMON, owner 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 Department of Solid Waste Management 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 1/2 of 18, Chick-A-Dee Acres Subdivision, City of El Paso, El Paso County, Texas, Parcel #C398-999-0010-6900,

to be \$407.02 performed by the Solid Waste Management 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 FOUR HUNDRED THIRTY ONE AND 02/100 DOLLARS (\$431.02). The City Council finds that the work was completed on the 31st day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED THIRTY ONE AND 02/100 DOLLARS (\$431.02) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GEO-BEAZER LP, owner 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 Department of Solid Waste Management 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 10 (31367.00 SQ FT), Block 1, Sun Valley Ranch Subdivision, City of El Paso, El Paso County, Texas, Parcel #S820-999-0010-1000,

to be \$520.68 performed by the Solid Waste Management 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 FIVE HUNDRED FORTY FOUR AND 68/100 DOLLARS (\$544.68). The City Council finds that the work was completed on the 31st day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FIVE HUNDRED FORTY FOUR AND 68/100 DOLLARS (\$544.68) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JESUS G. HERMOSILLO, owner 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 Department of Solid Waste Management 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:

5217 Dearborne Drive, more particularly described as Lot 25 (6000 SQ FT),  
Block 16, Temple Hills Replat Subdivision, City of El Paso, El Paso County,  
Texas, Parcel #T116-999-0160-4900,

to be \$342.07 performed by the Solid Waste Management 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 THREE HUNDRED SIXTY SIX AND 07/100 DOLLARS (\$366.07). The City Council finds that the work was completed on the 25<sup>th</sup> day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SIXTY SIX AND 07/100 DOLLARS (\$366.07) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GEORGE J. HERNANDEZ, owner 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 Department of Solid Waste Management 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:

4513 Rhea, more particularly described as Lot 5 (7057 SQ FT), Block 22, Apollo Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #A642-999-0220-0900,

to be \$231.11 performed by the Solid Waste Management 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 TWO HUNDRED FIFTY FIVE AND 11/100 DOLLARS (\$255.11). The City Council finds that the work was completed on the 31st day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY FIVE AND 11/100 DOLLARS (\$255.11) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MANUEL F & MARTHA HERRERA, owner 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 Department of Solid Waste Management 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:

10180 Rushing Drive, Lot 25, Block 32, Colonia Verde Subdivision, City of El Paso, El Paso County, Texas, Parcel #C741-999-0320-4900,

to be \$325.83 performed by the Solid Waste Management 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 THREE HUNDRED FORTY NINE AND 83/100 DOLLARS (\$349.83). The City Council finds that the work was completed on the 1st day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED FORTY NINE AND 83/100 DOLLARS (\$349.83) to be a

lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ERNESTO R & JACQUELINE E. AVELAR, owner 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 Department of Solid Waste Management 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:

5713 Sanders, more particularly described as Lot 9, Block 14, Skyview Subdivision, City of El Paso, El Paso County, Texas, Parcel #S502-999-0140-3300,

to be \$201.35 performed by the Solid Waste Management 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 TWO HUNDRED TWENTY FIVE AND 35/100 DOLLARS (\$225.35). The City Council finds that the work was completed on the 1st day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWENTY FIVE AND 35/100 DOLLARS (\$225.35) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SEAB LP, owner 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 Department of Solid Waste Management 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:

PT OF BEG 467.04' N OF SW COR (383.71' ON E-381.87' ON N -385.06' FT ON W-397.09' ON S), Block 12, Newport Estates #2 Subdivision, City of El Paso, El Paso County, Texas, Parcel #N241-999-0120--0100,

to be \$1,013.22, performed by the Solid Waste Management 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 ONE THOUSAND THIRTY SEVEN AND 22/100 DOLLARS (\$1,037.22). The City Council finds that the work was completed on the 6th and 7th days of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND THIRTY SEVEN AND 22/100 DOLLARS (\$1,037.22) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SEAB LP, owner 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 Department of Solid Waste Management 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 1 (193552.25 SQ FT), Block 10, Newport Estates #2 Subdivision, City of El Paso, El Paso County, Texas, Parcel #N241-999-0100-0100,

to be \$1,363.95, performed by the Solid Waste Management 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 ONE THOUSAND THREE HUNDRED EIGHTY SEVEN AND 95/100 DOLLARS (\$1,387.95). The City Council finds that the work was completed on the 6th and 7th days of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND THREE HUNDRED EIGHTY SEVEN AND 95/100 DOLLARS (\$1,387.95) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SEAB LP, owner 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 Department of Solid Waste Management 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 1 (167156.59 SQ FT), Block 3, Newport Estates #2 Subdivision, City of El Paso, El Paso County, Texas, Parcel #N241-999-0030-0100,

to be \$645.17, performed by the Solid Waste Management 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 SIX HUNDRED SIXTY NINE AND 17/100 DOLLARS (\$669.17). The City Council finds that the work was completed on the 6th day of September, 2006, 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 SIX HUNDRED SIXTY NINE AND 17/100 DOLLARS (\$669.17) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MANUEL O. GALLEGOS, % ANA GOMEZ, owner 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 Department of Solid Waste Management 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:

9275 Leonardo Avenue, City of El Paso, El Paso County, Texas, being more particularly described as, TR 88 (0.23 ACRES) North Valumbrosa #2 Subdivision, Parcel #N525-999-0010-0900,

to be \$351.81, performed by the Solid Waste Management 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 THREE HUNDRED SEVENTY FIVE AND 81/100 DOLLARS (\$375.81). The City Council finds that the work was completed on the 12<sup>th</sup> day of January, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVENTY FIVE AND 81/100 DOLLARS (\$375.81) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, NOE CASTILLO, owner 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 Department of Solid Waste Management 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 1 (72872.00 SQ FT), Block 1, Radco Industrial Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #R035-999-0010-0100,

to be \$217.58, performed by the Solid Waste Management 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 TWO HUNDRED FORTY ONE AND 58/100 DOLLARS (\$241.58). The City Council finds that the work was completed on the 5th day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FORTY ONE AND 58/100 DOLLARS (\$241.58) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SABINA R. SOSA, owner 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 Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

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

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

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

to be \$220.29, performed by the Solid Waste Management 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 TWO HUNDRED FORTY FOUR AND 29/100 DOLLARS (\$244.29). The City Council finds that the work was completed on the 8<sup>th</sup> day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FORTY FOUR AND 29/100 DOLLARS (\$241.58) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JESSE VALLES AND 2 AND REBECCA V AYON, owner 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 Department of Solid Waste Management 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:

3318 Alameda, City of El Paso, El Paso County, Texas, being more particularly described as the W 17 FT OF 23 & E 17 FT OF 24 (4760 SQ FT), Block 12, East El Paso Subdivision, Parcel #E014-999-0120-3100,

to be \$286.86, performed by the Solid Waste Management 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 THREE HUNDRED TEN AND 86/100 DOLLARS (\$310.86). The City Council finds that the work was completed on the 9<sup>th</sup> day of January, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED TEN AND 86/100 DOLLARS (\$310.86) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, TERESA V. RAMIREZ and ALICIA VILLA, owner 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 Department of Solid Waste Management 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:

354 Francis, Lot 21 to 23, Block 5, Pasadena Subdivision, City of El Paso, El Paso County, Texas, Parcel #P573-999-0050-2800,

to be \$193.77, performed by the Solid Waste Management 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 TWO HUNDRED SEVENTEEN AND 77/100 DOLLARS (\$217.77). The City Council finds that the work was completed on the 7th day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTEEN AND 77/100 DOLLARS (\$217.77) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, EL PASO HEALTHCARE SYSTEM LTD, owner 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 Department of Solid Waste Management 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 11 to 20 (31720 SQ FT), Block 46, Alexander Subdivision, City of El Paso, El Paso County, Texas, Parcel #A462-999-0460-4100,

to be \$325.83 performed by the Solid Waste Management 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 THREE

HUNDRED FORTY NINE AND 83100 DOLLARS (\$349.83). The City Council finds that the work was completed on the 7<sup>th</sup> day of September, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED FORTY NINE AND 83/100 DOLLARS (\$349.83) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....  
**3C.**

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

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

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Veronica Rosales to employ Veronica Rosales as a Redevelopment Manager for the Economic Development Department at a biweekly rate of \$3,076.92. The term of the contract shall be for the period of February 26, 2007, through February 25, 2008.

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**3D.**

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

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

That the City Manager be authorized to sign a Second Amendment to an Agreement for Architectural Services between the City of El Paso and ARTchitecture 1, LP, d.b.a. ARTchitecture, for a project known as the “Rawlings Dental Health Clinic” to modify the voice and data conduit that leads to the dental surgery suites and to include conduit and rough-ins for surveillance cameras for an amount not to exceed one thousand sixty-five and 00/100 dollars (\$1,065.00).

.....  
**3E.**

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

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso (“City”) and the University of Texas at El Paso (“UTEP”) wherein UTEP will provide supervisory training to employees of the City. The contract period is from March 1, 2007, through February 28, 2009.

Representative Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball Thomas, Human Resource Director, commented.

Ms. Lisa Turner and Mr. Richard Schecter, citizens, commented.

.....  
**3F.**

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

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

That the Mayor be authorized to sign an Agreement by and between the City of El Paso ("City"), in its capacity as the designated Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and the Instituto Municipal de Investigación y Planeación, ("IMIP"), wherein IMIP will provide disaggregate demographic projections for Ciudad Juarez to the Metropolitan Planning Organization. The contract period is from December 1, 2006 through May 31, 2007, at a total contract cost not to exceed \$36,365.00.

Representative Castro commented.

Mr. Roy Gilyard, Executive Director of the Metropolitan Planning Organization, commented.

.....

**3G.**

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

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at Austin ("UT") to provide technical assistance to the MPO in the development of the next generation of travel demand models for the El Paso Study Area. The total compensation under the Agreement is \$9,600.

Representative Castro commented.

Mr. Roy Gilyard, Executive Director of the Metropolitan Planning Organization, commented.

.....

**3H.**

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

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

That the Mayor be authorized to sign a First Amendment to the Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), executed on September 27, 2006, to revise the scope of work and to increase the total compensation for completion of the project.

Mayor Cook and Representatives Castro and Presi Ortega, Jr. commented.

Ms. Joyce Wilson, City Manager, and Mr. Roy Gilyard, Executive Director of the Metropolitan Planning Organization, commented.

Mr. Richard Schecter, citizen, commented.

.....

**3I.**

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

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

That the City Manager be authorized to sign a contract between the City of El Paso and Helen Jamison, County Elections Administrator of El Paso County, at an estimated cost of \$82,867 to provide election services and equipment for the May 12, 2007 City Election, and that the City Manager be authorized to sign an additional contract with Helen Jamison for the conduct of a runoff election, if necessary.

.....  
**4. REINSTATEMENTS**

\*Motion made, seconded, 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. Ferrer, John – Police Officer
- B. Balderrama, Manuel – Police Officer
- C. Ramirez, Gabriel – Police Officer
- D. Ruiz, Adrian – Police Officer

.....  
**5A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Donald A. Michie to the Committee on Border Relations by Representative Beto O’Rourke, District 8.

.....  
**5B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** David R. Marquez to the Zoning Board of Adjustment by Representative Beto O’Rourke, District 8.

.....  
**6. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Claudia O. Marin to the International Bridge Commission by Representative Susie Byrd, District 2.

.....  
**7. APPLICATIONS FOR TAX REFUND**

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

- A. W. F. Karam, Inc., in the amount of \$2,800.35 overpayment of 2005 taxes. (PID #1997-999-2696-0034).
- B. Lone Star Title Company in the amount of \$2,933.61 overpayment of 2006 taxes. (PID #A462-999-2140-7100).
- C. Charter Bank in the amount of \$3,484.62 overpayment of 2006 taxes. (PID #C742-999-0010-3000).
- D. LandAmerica Lawyers Title in the amount of \$3,176.86 overpayment of 2006 taxes. (PID #C742-999-0040-4200).
- E. ABN Amro Mortgage Group in the amount of \$3,983.80 overpayment of 2006 taxes. (PID #C742-999-0060-5800).

- F. Reunion Title Company in the amount of \$4,725.34 overpayment of 2006 taxes. (PID #C846-999-0010-0500).
- G. Mills Escrow Co. in the amount of \$2,758.42 overpayment of 2006 taxes. (PID #D361-999-0050-1700).
- H. LandAmerica Lawyers Title of El Paso in the amount of \$3,488.53 overpayment of 2006 taxes. (PID #D377-999-001C-4900).
- I. Sierra Title Company in the amount of \$3,449.62 overpayment of 2006 taxes. (PID #L769-999-0110-4300).
- J. Countrywide Tax Services Corp. in the amount of \$8,949.28 overpayment of 2006 taxes. (PID #M798-999-0020-2300).
- K. Oliver & Laurie Smith in the amount of \$3,164.62 overpayment of 2006 taxes. (PID #P795-999-3010-0100).
- L. Countrywide Tax Services Corp. in the amount of \$2,625.01 overpayment of 2006 taxes. (PID #P863-999-0100-6100).
- M. Stewart Title of El Paso in the amount of \$2,568.18 overpayment of 2006 taxes. (PID #P947-999-0010-0100).
- N. Stewart Title of El Paso in the amount of \$3,608.60 overpayment of 2006 taxes. (PID #R576-999-0100-1300).
- O. Mortgage Service Center in the amount of \$5,071.80 overpayment of 2006 taxes. (PID #S700-999-0040-0200).
- P. Sierra Title Company in the amount of \$3,455.69 overpayment of 2006 taxes. (PID #S814-999-0090-1000).
- Q. Vinh Le Tran in the amount of \$2,645.10 overpayment of 2006 taxes. (PID #T287-999-0960-5700).
- R. Albert Nabhan in the amount of \$3,381.44 overpayment of 2006 taxes. (PID #V893-999-0030-5700).
- S. Louis Kennedy in the amount of \$11,528.20 overpayment of 2006 taxes. (PID #V893-999-0140-7200).
- T. Alberto F. & Maria C. Lujan in the amount of \$3,093.01 overpayment of 2006 taxes. (PID #V893-999-2350-1100).
- U. First American Title in the amount of \$3,806.15 overpayment of 2006 taxes. (PID #V893-999-3960-1600).
- V. LandAmerica in the amount of \$2,535.53 overpayment of 2005 taxes. (PID #V893-999-5740-0500).
- W. Countrywide Tax Services Corp. in the amount of \$3,214.50 overpayment of 2006 taxes. (PID #V897-999-0330-0800).

- X. FIS Tax Services in the amount of \$3,037.42 overpayment of 2006 taxes.  
(PID #W145-999-0240-2200)

.....  
**8. BUDGET TRANSFERS**

Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2007-582 – AIRPORT.

This budget transfer is to set up the appropriations to cover the cost of repaving Terminal Drive.

Increase	\$165,000	to	Fund Balance Transfer
Increase	\$165,000	to	Construction

.....  
**9. INTRODUCTIONS**

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

- A. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Tract I, Block L, Military Heights Replat, an Addition to the City of El Paso, El Paso County, Texas, to MJ Real Properties, Inc., in accordance with Section 34.05 (h) of the Tax Code.
- B. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Lot 15-A, Block 9, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in volume 735, page 931, deed records of El Paso County, Texas, to Albert Dayoub, in accordance with Section 34.05 (h) of the Tax Code.
- C. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Lot 16-A, Block 9, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in volume 735, page 931, deed records of El Paso County, Texas, to Albert Dayoub, in accordance with Section 34.05 (h) of the Tax Code.
- D. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Portion of Lot 17-A, Block 9, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described as all of Lot 17-A, Block 9, Mission Hills in volume 735, page 931, deed records; and save and except a portion of lot 17-a, as described in volume 1542, page 1702, deed records of El Paso County, Texas, (4104 Bacerac Ct.) to Albert Dayoub, in accordance with Section 34.05 (h) of the Tax Code.
- E. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Lots 3 through 15, Block 29, Highland Park Addition, being more particularly described in Volume 13, Page 8, Map or Plat Records of El Paso County, Texas, to North Cotton Associates, L.L.C., in accordance with Section 34.05 (h) of the Tax Code.
- F. Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title, and interest in: Lots 21 through 29, Block 29, Highland Park Addition, being more particularly described in Volume 13, Page 8, Deed Records of El Paso County, Texas, to North Cotton Associates, L.L.C., in accordance with Section 34.05 (h) of the Tax Code.

**PUBLIC HEARING WILL BE HELD ON MARCH 6, 2007, FOR ITEMS A – F**

- G. An Ordinance changing the zoning of Parcel 1: Lot 2, Block 1, Kingsley Subdivision, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) to C-3/SC (Commercial/Special Contract) and imposing a condition; and Parcel 2: Tracts 5B and 5C, Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from C-1/SC/SP (Commercial/Special Contract/Special Permit) to C-3/SC/SP (Commercial/Special Contract/Special Permit) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Hondo Pass Drive and Ankerson Street. Applicant: Haysland, Inc. ZON06-00140
  
- H. An Ordinance releasing a condition placed on property by Ordinance No. 013894 which changed the zoning of a portion of Tract 5A, Section 21 and a portion of Tract 1, Section 22, Block 80, Township 1, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 12000 Block of Railroad Drive. Applicant: El Paso Water Utilities/Public Service Board. ZON06-00160
  
- I. An Ordinance granting Special Permit No. ZON06-00101 to allow for an infill development on the property described as Lots 31-32, Block 58, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.14.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 3502 E. Missouri Avenue. Applicant: General Contractors & Son. ZON06-00101

**PUBLIC HEARING WILL BE HELD ON MARCH 13, 2007, FOR ITEMS G – I**

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**10. PUBLIC HEARING – CITY ATTORNEY**

An Ordinance granting a non-exclusive franchise to Dos Naciones, S.A. de C.V. to operate a passenger bus service.

Mayor Cook and Representative Steve Ortega commented.

Mr. Raymond Telles, City Attorney, gave legal advice

Mr. Robert Gilbert, attorney for Dos Naciones, commented.

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **DELETE** the item.

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11.

**ORDINANCE 16551**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3A, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Kelly Carpenter, Planning Director, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook commented.

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

- AYES: Representatives Lilly, Lozano, Castro, Holguin, and Steve Ortega
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Byrd, Presi Ortega, Jr., and O’Rourke

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

.....  
12A.

**ORDINANCE 16552**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO THE COUNTY LAND TOTALING APPROXIMATELY 0.557 ACRES CONSISTING OF TRACTS 5B & 5C, BLOCK 18, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS, IN FAR WEST EL PASO LOCATED NEAR CAMPOS AND BOSQUE ROADS.**

Representative Steve Ortega commented.

Mr. Robert Andron, General Counsel for El Paso Water Utilities, commented.

Mr. Sal Payan, citizen, commented.

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

- AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O’Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representative Byrd

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

12B.

**ORDINANCE 16553**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO NEWMAN RANCH PARTNERS, L.P., A STRIP OF LAND TWENTY-FOUR FEET WIDE AND THREE-THOUSAND TWO-HUNDRED FEET LONG AND BEING APPROXIMATELY 1.766 ACRES OF TRACT 1A, SECTION 21, BLOCK 80, TOWNSHIP 1, T&P RAILWAY COMPANY SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO NEAR DYER STREET AND ASHLEY ROAD.**

Representative Castro commented.

Mr. Robert Andron, General Counsel for El Paso Water Utilities, commented.

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

- AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Byrd and O'Rourke

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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13.

**ORDINANCE 16554**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) IN ITS ENTIRETY; TO ADD ARTICLE X, CONSTRUCTION DEBRIS; AND TO REVISE THE REQUISITE FEES; THE PENALTY BEING AS PROVIDED IN SECTION 9.04.390 OF THE EL PASO CITY CODE.**

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Castro, Lozano, Steve Ortega, Lilly, O'Rourke, and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schecter, citizen, commented.

Motion duly made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lilly, 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: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke
- NAYS: None
- NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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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**14. MAYOR AND COUNCIL**

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.21 (Dangerous Intersection Monitoring System and Enforcement), of the El Paso City Code to clarify the civil penalty for creating dangerous intersections; adding an affirmative defense for turning after stopping; and removing the language concerning mandatory reconsideration of the Ordinance.

Assistant Police Chief Paul Cross presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Presi Ortega, Jr., Byrd, Steve Ortega, Holguin, O’Rourke, Castro, and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Police Chief Richard Wiles
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **POSTPONE** the item for two weeks.

.....  
**15A. MAYOR AND COUNCIL**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **APPROVE** appointment of Richard O. Martinez to the Public Service Board.

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

Mr. Richard O. Martinez commented.

.....  
**15B. MAYOR AND COUNCIL**

Discussion concerning the Hurricane Bar and Grill Night Club located at 1475 George Dieter Drive.

Representatives Steve Ortega, Lozano, Castro, Holguin, and Lilly commented.

Mr. Albert Post and Ms. Veronica Alcala, owners of Hurricane Bar and Grill Night Club, commented.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Albert Post and Ms. Veronica Alcala to address the Council after the sign-up period.

**NO ACTION, OTHER THAN THE ABOVE PROCEDURAL MOTION, WAS TAKEN** on the item.

.....  
**15C.**

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

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

**WHEREAS**, the Federal Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

**WHEREAS**, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED DOCUMENT ENTITLED "2007 FEDERAL LEGISLATIVE PRIORITIES AND 2008 APPROPRIATIONS REQUESTS" IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 110<sup>th</sup> FEDERAL LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:**

1. The legislative or administrative positions herein approved shall be communicated to the El Paso legislative delegation, to the Federal Legislature, in general, and to the appropriate legislative committees and administrative agencies by the City's federal legislative lobbyist and federal agency consultant, City of El Paso staff persons, members of City Council and others as coordinated through the Mayor's office.
2. City employees, members of City boards, commissions, and advisory groups may not represent in oral testimony or in writing the City's official position on proposed legislation or administrative action unless that position is approved and coordinated through the Mayor's office.
3. The City Council authorizes and directs the Mayor's office to coordinate its legislative program and the City Attorney's Office shall be authorized to interpret on behalf of the City this policy with the necessary broad policy concerns set forth in this policy.

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

Ms. Joyce Wilson, City Manager, commented and Ms. Sylvia Firth, Director of Governmental Affairs and Senior City Attorney, gave legal advice.

Mr. Richard Schecter, citizen, commented.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....  
**16.**

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

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

1. That pursuant to the Texas Election Code, as amended, an election will be held on Saturday, May 12, 2007 in the City of El Paso for the purpose of electing the following named officers of the City of El Paso: four District Representatives who are to be elected from Single-Member Districts Nos. 1, 5, 6 and 8.

2. That at such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate from one of the four single-member representative districts heretofore established by the City Council being up for election, such as "Representative, District No. 1" and "Representative, District No. 5," etc. At the polling places in each Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and each Representative shall be elected by the voters in the district in which the person is a candidate.

3. That at such election, the following amendments to the Charter of the City of El Paso (propositions) shall be submitted to the qualified voters and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for, or against, the proposed amendments with the

ballots to contain such provisions, markings, and language required by law, and with such propositions to be expressed substantially as follows:

**AMENDMENT NO. 1**  
Text of Amendment

Amending the Charter of the City of El Paso Section 2.1, Subsections A, B, and E, City Elections; Section 2.4, Subsection A, Representative Districts; Adjustment of Districts; and Section 4.3, Subsection A, Mayor Pro Tempore; and deleting Sections 2.1 C, 2.3 B and D, and Section 2.2 A 4 in their entirety; to read as follows:

Section 2.1, Subsections A, B and E CITY ELECTIONS.

A. Regular Elections. The regular City election shall be held on the uniform election date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law. All terms of elected officers to commence on the fourth Tuesday in June.

B. Officers Elected. The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers at each regular election: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. Commencing in June 2005, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4, and 7 shall be elected to four-year terms. Commencing in June 2005, the District Representatives from districts numbers 1, 5, 6 and 8 shall be elected to two-year terms, and commencing in June 2007, they shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.

E. Vacancies and Removal from Office. An elective office also shall become vacant upon death, resignation, forfeiture of or removal from office of the officer in any manner authorized by law. Any elected City official shall be subject to removal from office if that official:

1. Lacks, at any time during the term of office, any qualification, or requirement prescribed by this Charter or other law;
2. Is convicted of any felony, or of a misdemeanor involving moral turpitude;
3. Violates the City Ethics Ordinance;
4. Makes any willful false statements or commits any fraud preventing the impartial execution of the provisions of this charter;
5. Knowingly and willfully solicits or assists in soliciting any contributions from any political party to be used in conjunction with any City election of City officers; or
6. In the case of the Mayor or a Representative, fails to attend three consecutive regular meetings of the Council without being excused by the Council. A Representative shall forfeit office if, during the term of office, that Representative establishes residence outside the Council district from which elected, unless otherwise provided by law.

Section 2.4, Subsection A REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS.

A. Number of Districts. There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1."

Section 4.3, Subsection A     MAYOR PRO TEMPORE.

A. At the first meeting upon the start of new terms of office following each general election, the Council shall elect from among the Representatives a Mayor Pro Tempore, who shall hold that office for a two year term. Should the office of Mayor Pro Tempore become vacant, the Council shall elect a new Mayor Pro Tempore.

Ballot Proposition

- FOR ( )     Shall Sections 2.1 A, B and E, 2.4 A, and 4.3 A of the City Charter be amended, and Sections 2.1 C, 2.3 B and D, and Section 2.2 A 4 of the City Charter be deleted in their entirety: relating to elections, designation of elected officials, and terms of office: to restate the terms of office for the Mayor and Representatives based on the four year staggered terms; to set a two year term of office for the Mayor Pro Tempore; to add two new criteria for the removal of elected officials; to remove references to the election of a City Tax Collector prior to 1989; to provide that election procedures, the filling of vacancies, and the conduct of runoff elections be in conformity with state law; and to renumber provisions as appropriate?
- AGAINST ( )

**AMENDMENT NO. 2**

Text of Amendment

Amending the Charter of the City of El Paso Section 2.1, Subsection D, City Elections; and Section 2.2, New subsection, Nominations; to read as follows:

Section 2.1, Subsection D     CITY ELECTIONS

D. Recall. Any elected officer of the City may be removed from office, for stated reasons, by those voters who are qualified to vote for a successor to such office.

The Council shall enact, within sixty days of the adoption of this Charter, an ordinance providing for:

1. The general conduct of recall elections;
2. Receipt, by the City Clerk, prior to the conduct of any recall election of a petition bearing authentic signatures of a number of registered voters equal to at least twenty percent of the total number of votes cast in the election of the officer whose recall is sought;
3. Completion of a recall petition within sixty days of filing notice with the City Clerk of intent to circulate a petition for recall; and
4. Recall petitions to specify the reasons for which recall is sought.

No recall petition shall be filed against any elected officer within six months after taking office, nor within twelve months of the end of the elected officer's term of office, nor in case of an officer who was the subject of an unsuccessful recall election, until six months after that election. Should the elected officer, whose recall is sought, resign, no recall election shall be held.

Section 2.2, New subsection     NOMINATIONS.

Ethics Review Commission. The Council shall, by ordinance, establish an independent ethics review commission to administer and enforce the ethics section of the City Code. To the extent permitted by Texas law, the Council shall authorize the commission to issue advisory opinions, conduct investigations, request witness testimony, and production of evidence, make determinations on whether a violation has occurred, and issue appropriate sanctions. The Council shall provide sufficient resources to the commission to enable it to perform the duties assigned to it under the Charter and City Code.

Ballot Proposition

FOR ( ) Shall Sections 2.1 D and 2.2 of the City Charter be amended relating to the holding of office: to provide that no recall petition may be filed against any elected officer within twelve months of the end of the elected officer's term of office; to add a new subsection under Section 2.2 to require Council to establish an ethics review commission; to enumerate the primary responsibilities of such a commission; and to renumber the provisions as appropriate?  
AGAINST ( )

**AMENDMENT NO. 3**

Text of Amendment

Amending the Charter of the City of El Paso Section 3.1, Creation: Composition; Powers and Duties; and Section 6.2-2, new subsection, Unclassified Services; to read as follows:

Section 3.1 CREATION; COMPOSITION; POWERS AND DUTIES.

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter. Each Representative shall have the discretion and sole authority to appoint and remove a legislative aide.

Section 6.2-2, new subsection UNCLASSIFIED SERVICES.

The unclassified services shall include only the following positions:

A person hired solely as a District Representative's legislative aide for the limited period of the term of office for that District Representative.

Ballot Proposition

FOR ( ) Shall Sections 3.1, and 6.2-2 of the City Charter be amended to add provisions allowing each District Representative to appoint and remove a legislative aide to work in the unclassified services during the Representative's term of office; and to renumber Section 6.2-2 to include the new subsection as appropriate?  
AGAINST ( )

**AMENDMENT NO. 4**

Text of Amendment

Amending the Charter of the City of El Paso Section 3.2, Salaries; to read as follows:

Section 3.2 SALARIES.

Commencing on June 28, 2009, the annual base salary of the District Representatives shall be twenty-nine thousand dollars, and the annual base salary of the Mayor shall be forty-five thousand dollars. On and after September 1, 2010, the base salaries will be increased by a percentage equal to the percent increase of the general salary adjustment, if any, given to the classified employees in the general services effective as of the date designated in the budget resolution.

Ballot Proposition

FOR ( ) Shall Section 3.2 of the City Charter be amended to provide that, commencing on June 28, 2009, the annual base salary for the District Representatives shall be twenty-nine thousand dollars, and the annual base salary of the Mayor shall be forty-five thousand dollars, and provide that annual increases shall be equal to the general salary adjustment given to classified employees?

AGAINST ( )

**AMENDMENT NO. 5**  
Text of Amendment

Amending the Charter of the City of El Paso Section 3.3, Subsection C, Prohibitions; Section 3.5, Subsection A, City Council Procedures and Rules; Section 3.9, Subsection B, Ordinances in General; Section 3.17, Annexation of Territory; and Section 3.18, Lease; Franchise; and Conveyance; and deleting Sections 3.13 B 4 and 3.19 in their entirety; to read as follows:

Section 3.3, Subsection C PROHIBITIONS.

C. "Lame Duck" Elected Officers Not to Make Appointments.

From the date of any City general election until inauguration of those elected, neither the Mayor nor the City Council shall make any appointment of a City Manager, or any appointments to any standing or special public boards, commissions or committees of the City, except when in conflict with State law or when due process rights of employees or citizens would be compromised.

Section 3.5, Subsection A CITY COUNCIL PROCEDURES AND RULES.

A. Meetings. Regular meetings of the Council shall be held in Council chambers a minimum of one time per week at such times as may be prescribed by resolution. Provided however, that the Council by resolution may cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive. Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meetings Act.

Section 3.9, Subsection B ORDINANCES IN GENERAL.

B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. A reasonable number of copies shall be available in the office of the City Clerk, and at such other public places as the Council may designate, for examination by interested persons. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:

1. The proposed ordinance or a brief summary thereof;
2. The places where copies of it have been filed and the times when they are available for public examination; and
3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including, but not limited to publication in a newspaper of general circulation in the City or placement on a web site at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present

shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.

Section 3.17 ANNEXATION OF TERRITORY.

The Council may, by ordinance, fix or extend the boundaries of the City and may also, by ordinance, annex, or exchange territory adjoining or abutting upon the territory of the City. The territory so annexed shall, in all respects and for all purposes, be part of the City. In no event shall an annexation ordinance be passed without notice, published in accordance with state law, to the residents of the City and of the territory to be annexed, nor without a meeting of the Council at which proponents and opponents of the annexations must be given ample opportunity to express their views.

Section 3.18 LEASE; FRANCHISE; AND CONVEYANCE.

The right of control, ownership, and use of streets, alleys, parks, and public places of the City is declared to be inalienable except as provided by ordinance passed by the Council and except for uses of less than thirty days which may have a separate approval process as established by ordinance.

Any ordinance providing for the conveyance, lease, or grant of a franchise regarding the property of the City shall provide for payment to the City of a reasonable fee as consideration for that conveyance, lease, or franchise. In addition, any ordinance providing for the lease or franchise shall provide that:

1. At the termination of the lease or franchise, the property involved, together with any improvements thereto, made or erected during the term of the lease or franchise, shall (either without further compensation or upon payment of a fair valuation therefore as determined by the terms of the ordinance), become the property of the City; and
2. Every lease or franchise may be revoked by the City if necessary to secure efficiency of public service at a reasonable rate, or to assure that the property is maintained in good order throughout the life of the grant.

Ballot Proposition

FOR ( ) Shall Sections 3.3 C, 3.5 A, 3.9 B, 3.17, and 3.18 of the City Charter be amended, and Sections 3.13 B 4, and 3.19 be deleted in their entirety, relating to Council procedures and requirements relating to certain contracts, ordinances and uses of City streets: to allow for the cancellation of not more than three regular Council meetings annually; to expand methods of publication for notification of proposed ordinances and reduce the time for notification by two days; to eliminate the requirement to read ordinances aloud; to allow limited uses of City streets through a process established by ordinance; to remove the provision limiting leases and franchises to a period of thirty years; to remove the prohibitions against entering into most contracts over \$3000 between the date of the election and the inauguration of those elected; to provide that an annexation ordinance may include territory exchanges, and that all required notices be published in accordance with state law; to delete the provision regarding the enactment of ordinances requiring the construction of drainage systems; and shall Section 3.18 be renamed as Lease; Franchise; and Conveyance, and that the remaining provisions in Title III renumbered as appropriate?

AGAINST ( )

**AMENDMENT NO. 6**  
Text of Amendment

Amending the Charter of the City of El Paso Section 6.1-1, General; Section 6.1-5, Functions and Duties of the Civil Service Commission; Section 6.1-2, Appointment; Section 6.1-3, Qualifications; Section 6.1-6, Rules; Section 6.1-15, Removal; and Section 6.1-16, Discrimination; and deleting Sections 6.1-8, 6.1-9 and 6.1-13 in their entirety; to read as follows:

Section 6.1-1 GENERAL.

The Civil Service system exists to ensure a personnel system that is based solely on merit. The Civil Service Commission of El Paso exists for the purposes of overseeing the City's Civil Service system, of ensuring its fairness, economy, and efficiency and of hearing grievances by or against classified employees. The Commission shall establish its own procedures within the framework of this Charter to carry out these functions.

Section 6.1-5 FUNCTIONS AND DUTIES OF THE CIVIL SERVICE COMMISSION.

The Commission shall hold regular meetings as may be prescribed by Commission procedures. Special meetings shall be held as required for the proper discharge of the duties of the Commission, due notice having been given. Five members of the Commission will constitute a quorum. It shall be the duty of the Commission to:

A. Recommend to the Council:

1. Adoption of Rules for the administration of the Civil Service provisions of this Charter, and
2. Thereafter, appropriate amendments.

B. Investigate matters concerning the enforcement and effect of the Civil Service provisions of this Charter.

C. Hear and determine appeals or complaints as may be further prescribed in the Rules.

D. Oversee the Civil Service provisions of this Charter, ensuring fair and equitable treatment of all classified employees.

E. Appoint hearing officers.

Section 6.1-2 APPOINTMENT.

The Commission shall consist of nine persons appointed by the Council. All members serving on the Commission when this amendment takes effect will continue to serve until their terms of office expire. Appointments shall be for three-year terms. Commissioners serving consecutive terms shall be limited to two full successive three-year terms, regardless of the date of their original appointments. No person may serve as a member on the Commission for more than a total of ten years throughout their lifetime and no person may be appointed as a member on the Commission if, serving out the full length of the term to which they would be appointed would result in the person having more than a total of ten years of lifetime service.

Section 6.1-3 QUALIFICATIONS.

Members of the Commission must be residents of the City at the time of their appointment and remain a resident of the City throughout their term of office. No Commissioner may hold any salaried public office or other employment compensated by the City and any violation of this provision shall be deemed malfeasance in office and cause for removal therefrom. At least two Commissioners must hold or have retired from positions other than managerial or professional. No more than three Commissioners may be former city employees, and any such Commissioners are not eligible for appointment until two years following separation from the City. Any Commissioner may be either actively employed or retired.

Section 6.1-6 RULES.

A. Rules. The Rules shall be consistent with the principles and practices of the civil service system incorporated in this Article. They shall be adopted by the Council by ordinance, after considering recommendations of the Commission.

B. Procedures for Adoption. The Human Resources Director shall submit to the Commission proposed Rules for its review and recommendation to the Council. Failure by the Commission to recommend approval, modification, or disapproval of proposed Rules within sixty days after receipt shall constitute authority for the Council to proceed without a recommendation from the Commission.

C. Changes, Additions, or Deletions. Proposed changes, additions, or deletions to the Rules shall be processed through the Commission to the Council in the same manner and subject to the same standards as for the basic Rules as set forth in A and B above.

D. Council Action. Failure by Council to approve, amend and approve, or deny the Commission's changes within sixty days after Council's receipt shall result in their automatic adoption. In the event of disagreement, the Council may deny or amend the Commission's changes, additions, or deletions only by a two-thirds majority of the Council.

Section 3.9 C. Actions Requiring Ordinances. The Council may exercise the following powers by ordinance only:

1. Authorize the conveyance of any City real property;
2. Adopt or amend any administrative code and establish, abolish, alter or combine any City departments, so long as such action is not in conflict with this Charter;
3. Amend, extend, or repeal any ordinance previously adopted;
4. Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
5. Adopt Civil Service Rules.

Section 6.1-15 REMOVAL.

Members of the Commission will not be removed from office except for incompetence or nonfeasance, misfeasance or malfeasance in office, such as neglect of duty or refusal to perform the duties imposed by this Charter. Action may be initiated in writing by any member of the Council or Commission. Any removal will require an affirmative vote of two-thirds of the Council.

Section 6.1-16 NON-DISCRIMINATION.

All personnel actions must be free of discrimination as is prohibited by law.

Ballot Proposition

FOR ( ) Shall Sections 6.1-1, 6.1-2, 6.1-3, 6.1-5, 6.1-6, 3.9 C, 6.1-15, and 6.1-16 of the City Charter be amended, and Sections 6.1-8, 6.1-9, and 6.1-13 of the City Charter be deleted in their entirety, relating to the purposes of civil service and the Civil Service Commission, the appointment and removal of Commissioners, and the creation of system Rules: to include a statement of system purpose; to provide that personnel actions be free of unlawful discrimination; to allow the Commission to set their meetings; to specify that the Commission has an oversight duty and follows processes established in the Charter and Rules; that such Rules will be adopted by ordinance and the Council may amend and approve or deny Rules submitted by the Commission only by a two thirds majority vote; to provide that a Commissioner may serve consecutive

full terms, but no Commissioner may serve for more than ten years throughout their lifetime; to require that Commissioners be City residents at all times; to provide that removal of a Commissioner requires a vote of two-thirds of the Council; to delete provisions pertaining to the prosecution of civil suits by the Commission, the employment of legal counsel, and the requirement for an annual report; to remove language applicable to conflicts of interest, the initial appointment of Commissioners and Rules adopted in 1984; and that Section 6.1-5 be renumbered as 6.1.2 and the remaining provisions of Section 6.1 be renumbered as appropriate?

AGAINST ( )

### **AMENDMENT NO. 7**

#### Text of Amendment

Amending the Charter of the City of El Paso Section 5.2 (1), Powers and Duties; Section 6.9-5, Delegation; Section 6.2-2, Unclassified Services; Section 6.2-3, Appointment and Removal of Unclassified Personnel; Section 6.9-3, Nepotism Prohibited; and Section 6.13-4, Appeals; and deleting Sections 3.7 C, 6.3, 6.3-1, 6.3-2 and 6.3-3 in their entirety, and certain definitions in Section 6.14-1; to read as follows:

#### Section 5.2 POWERS AND DUTIES.

The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

(1) Take all personnel actions regarding employees except as provided by law or in this Charter. The City Manager may authorize the Deputy City Managers and department directors to exercise these powers with respect to their subordinates;

#### Section 6.9-5 DELEGATION.

The City Manager may delegate to appropriate individuals the execution of the functions, duties and responsibilities set forth in this Article, as he deems appropriate. Appropriate designees may include department directors and other persons able and assigned to execute the specific functions, duties, or responsibilities.

#### Section 6.2-2 UNCLASSIFIED SERVICES.

The unclassified services shall include only the following positions:

- A. The City Attorney, Assistant City Attorneys, law clerks and paralegal personnel;
- B. The Mayor's executive secretary(s) and Executive Assistant(s);
- C. Hearing officer(s) and the Commission Recorder;
- D. All elected officials;
- E. Members of all City boards, commissions, and committees who serve without compensation; F. Employees hired by contract as allowed under this Article;
- G. The City Manager;
- H All Department Heads or Directors, Deputy City Managers, and executive staff or salaried professional employees reporting directly to the City Manager;-
- I. Employees hired on or after the effective date of this amendment who work at the Metropolitan Planning Organization; and
- J. Persons given provisional and temporary appointments who are not classified employees at the time of such appointment.

Section 6.2-3 APPOINTMENT AND REMOVAL OF UNCLASSIFIED PERSONNEL.

A. Except as otherwise provided in this Charter, appointments to the unclassified services shall be made by the City Manager solely on the basis of education and experience in the accepted competencies and practices of their field.

B. Except as otherwise provided by law or in this Charter, unclassified personnel may be removed by the City Manager or designee, who may establish written procedures for removal, except for hearing officers and the Commission Recorder, who may be removed only by a majority vote of the commissioners.

Section 6.9-3 NEPOTISM PROHIBITED.

Except in the case in which the City Manager or other person making the appointment appoints the highest scoring individual certified from a proper eligible list, or from a reinstatement list involving the appointment of a former incumbent, no person may be appointed to or reinstated in any classified position or appointed to any unclassified position who, at the time of appointment or reinstatement, is related in the manner described in Article III, Section 3.3B, to any member of the Council, the City Manager or other person making the appointment, the Human Resources Director, or the direct superior of the position being considered.

Section 6.13-4 APPEALS.

Any permanent classified employee may appeal to the Commission any order which is believed to violate the rights granted employees by this Charter. This appeal must be filed with the Commission within thirty days from the date of the alleged violation and may be in any form clearly directing the attention of the Commission to the order complained of and the rights or provisions violated.

Ballot proposition

FOR ( ) Shall Sections 5.2 (1), 6.2-2, 6.2-3; 6.9-3, 6.9-5, 6.13-4, and 6.14-1 of the City Charter be amended, and Sections 3.7 C, 6.3, 6.3-1, 6.3-2, and 6.3-3 of the City Charter be deleted in their entirety, relating to the authority for taking personnel actions and the appointment of certain employees: to clarify the authority of the City Manager to take personnel actions and allow such authority to be appropriately delegated to staff including department directors; to provide that the Deputy City Managers, Department Directors, City Manager staff, employees subsequently hired for the Metropolitan Planning Organization, and unclassified persons given provisional and temporary appointments, be included in the unclassified City services; to remove unnecessary references to health unit employees; to delete all provisions pertaining to the appointment and removal of department heads, and provide new standards applicable to all unclassified personnel; to delete the provision directing the specific manner of appointment for the City Clerk; to apply the prohibitions against nepotism to all appointments made by the City Manager; and to delete definitions in Section 6.14-1 for the terms appeal, classified, department, unclassified, work day, appointing authority, appointing officer, appointment, and City Council; that the term Personnel Director be replaced with the term Human Resources Director in all places where it appears in the City Charter; that references to the authority of the Mayor, the members of the Council, a department head, the appointing authority or appointing official be changed to state City Manager and to reference a designee when appropriate, in all places where such references appear in Title VI of the City Charter?

AGAINST ( )

## **AMENDMENT NO. 8**

### Text of Amendment

Amending the Charter of the City of El Paso Section 6.4-1, Classification Plans; Section 6.5, Certification and Selection of Candidates; Section 6.5-1, Certification Process; Section 6.5-2, Rule of Five; Section 6.6-1, Regular Appointment; Section 6.6-2, Provisional Appointments; Section 6.6-3, Temporary Appointment; Section 6.6-5, Contractors; Section 6.7, Original Entrance Examinations; Section 6.7-2, Examination Standards; Section 6.7-3, Penalty for Deceit in Examination; and Section 6.8-1, Examination; and deleting Sections 6.5-3, 6.6-4, 6.7-1, 6.7-4, 6.7-5, 6.7-6, 6.7-7, 6.7-8, 6.7-9, 6.8-3, and 6.8-4 in their entirety, , and certain definitions in Section 6.14-1; to read as follows:

#### Section 6.4-1 CLASSIFICATION PLANS.-

The Human Resources Director shall update as necessary the classification and compensation plans of the City for the classified services. The Director shall present such plans, and the recommendation of the Civil Service Commission, to the City Council for acceptance and approval.

#### Section 6.5 CERTIFICATION AND SELECTION OF CANDIDATES

##### Section 6.5-1 CERTIFICATION PROCESS.

A. The Human Resources Director shall certify candidates eligible for hire or promotion based solely on their qualifications in accordance with established departmental policies and procedures or by Rule, which may allow a preference for the hiring and promotion of former employees separated without fault or delinquency, or for other just and reasonable cause in conformity with the Charter and consistent with the principles of the civil service system and established policies.

B. When needed, the Human Resources Director will compile lists of eligible candidates for job classifications and consolidate, revise and maintain them as necessary and appropriate, in accordance with established policies and procedures or by Rule.

C. When an employee is eligible for appointment to a position, but there is no vacancy in that position, the employee may be certified to an appropriate lower grade position. If a vacancy occurs in the higher graded position, while the employee is in good standing on the eligible list, the employee may be appointed to that position in accordance with the procedures established for the order of certification.

D. The Human Resources Director will permit persons on eligible lists to waive certification, reinstatement, or appointment two times, after which the person's name may be removed from such list in accordance with procedures established by Rule.

##### Section 6.5-2 RULE OF FIVE.

As necessary, the Human Resources Director shall certify the five highest names on the proper eligible list for one vacancy, and one additional name (the next highest) for each additional vacancy except as may be provided by appropriate policies and procedures or by Rule, in cases where a certification for incapacity or a reinstatement from layoff is being made, where there are fewer than five names on the proper eligible list, and in situations where eligible persons are serving in the department in which the vacancy exists.

##### Section 6.6-1 REGULAR APPOINTMENT

Upon receipt of a certification list from the Human Resources Director, the City Manager or designee will appoint any person or persons certified to be within the applicable number of highest names from the list to fill the applicable vacancies to which the list applies. Regular appointments may be either full-time or part-time.

Section 6.6-2 PROVISIONAL APPOINTMENTS.

In the absence of an appropriate certification list, a provisional appointment may be made by the City Manager or designee as provided by appropriate policies and procedures or by Rule. Any person so appointed must meet the minimum qualifications established for the position. A provisional appointment will be effective only until a regular appointment is made from a certification list. In no case shall a provisional appointment extend beyond twelve months from the date of the original appointment.

Section 6.6-3 TEMPORARY APPOINTMENT.

When services to be rendered are of a temporary character, a temporary appointment may be made by the City Manager or designee from one of the first three persons on a certification list who is willing to accept the appointment or as may be provided by appropriate policies and procedures or by Rule. The person appointed will retain all rights to certification for permanent appointment as though no temporary appointment had been made. The duration of a temporary appointment may not exceed one year.

Section 6.6-5 CONTRACTORS.

The City Manager shall have the authority to contract for professional services and personal services for reasons such as economy, efficiency, immediate or temporary need, when such contracts are in the best interest of the City and not contrary to the principles and practices of the civil service system incorporated in this Article. Such contracts shall be subject to the limitations and requirements for Council approval as set forth by ordinance.

Section 6.7 ORIGINAL ENTRANCE EXAMINATIONS

Section 6.7-2 EXAMINATION STANDARDS.

The Human Resources Director shall establish appropriate policies and procedures for the advertising of vacancies and the operation of the competitive process for selection including the administration of and standards for original entrance and related examinations such as oral examinations, practical tests, medical and physical examinations, and police investigations.

Section 6.7-3 PENALTY FOR DECEIT IN EXAMINATION.

An applicant in any examination who uses or attempts to use any unfair or deceitful means to pass the examination shall be excluded from further participation in the examination and the papers not rated, except as may be provided in the applicable Rules.

Section 6.8-1 EXAMINATION.

Promotion to any position in the Civil Service shall be by examination weighed by seniority and performance record, except as otherwise provided in the Charter or Rules. Eligibility criteria and rating factors for promotions shall be established by Rule and shall include a credit for seniority.

Ballot Proposition

FOR ( ) Shall Sections 6.4-1, 6.5, 6.5-1, 6.5-2, 6.6-1, 6.6-2, 6.6-3, 6.6-5, 6.7, 6.7-2, 6.7-3, 6.8-1, and 6.14-1 of the City Charter be amended, and Sections 6.5-3, 6.6-4, 6.7-1, 6.7-4, 6.7-5, 6.7-6, 6.7-7, 6.7-8, 6.7-9, 6.8-3, and 6.8-4 of the City Charter be deleted in their entirety, relating to employment processes: to provide that the Human Resources Director is responsible to update the classification and compensation plans, certify eligible job candidates and lists, and create examination procedures and standards; to establish criteria for making appointments and removal from lists; to allow the City Manager to contract for services when in the best interests of the City and not contrary

to civil service principles; to consolidate eligibility criteria and require promotional rating factors be established by Rules; to delete the residency provision, the sections on rating factors, the section pertaining to temporary appointments made regular, and definitions in Section 6.14-1 for the terms certification list, classification, competitive examination, eligible list, position, new position, provisional employee, temporary employee and title; and shall Section 6.5 be renamed as Certification and Selection of Candidates, and Section 6.7 be renamed as Original Entrance Examinations; and to renumber the provisions under these sections as appropriate?

AGAINST ( )

## **AMENDMENT NO. 9**

### Text of Amendment

Amending the Charter of the City of El Paso Section 6.4-3, Compensation Reduction; Section 6.9-1, Probation Period; Section 6.9-2, Impact of Staff Reductions; Section 6.10-1, Conditions for Layoff; Section 6.10-2, Job Rights; Section 6.10-4, Leave of Absence; Section 6.10-7, Sick Leave; Section 6.10-8, Vacation; Section 6.10-9, Resignation; Section 6.10-10, Reinstatement Following Resignation; Section 6.11-1, When Transfer is Permissible; Section 6.11-4, Reduction for Physical Incapacity; Section 6.11-4, Reduction for Physical Incapacity; Section 6.12, Efficiency; Section 6.12-1, Standards of Efficiency; and deleting Sections 6.10-3, 6.10-5, 6.10-6, 6.10-11, 6.11-2 and 6.11-3 in their entirety, and certain definitions in Section 6.14-1; to read as follows:

#### Section 6.4-3 COMPENSATION REDUCTION.

The pay of any City employee or group of employees may not be reduced, except when such reduction is necessary to equalize the pay according to the provisions of the classification and compensation plans for reasons of economy, or as otherwise provided in this Charter. If a pay reduction is for reasons of economy or pay equalization, it must be uniform throughout the classified service on a proportionate basis.

#### Section 6.9-1 PROBATION PERIOD.

Probationary periods shall be established by Rule. Such Rule shall prescribe the procedures and consequences applicable to employees who fail to successfully complete probationary periods, and provide criteria for the extension of probationary periods.

#### Section 6.9-2 IMPACT OF STAFF REDUCTIONS.

The Human Resources Director is authorized and directed, subject to approval by the Council, to establish systems for reducing the impact on the Civil Service of staff reductions and layoffs caused by operating economies.

#### Section 6.10-1 CONDITIONS FOR LAYOFF.

Whenever it becomes necessary through lack of work or funds, or through the abolishment of a position or class, or for any other reason not involving delinquency on the part of the employee, to reduce the number of employees in any class, the City Manager may order a layoff. The reduction will be made in accordance with the procedures set forth in the Rules.

#### Section 6.10-2 JOB RIGHTS.

Employees who are removed from their positions as the result of abolishment or a layoff (to include subsequent displacement action) will have the right to be appointed to any vacant position for which qualified, in accordance with the procedures established in the Rules.

Section 6.10-4 LEAVE OF ABSENCE.

Permanent employees may be granted a leave of absence by the City Manager or designee under conditions set forth in the Rules. Provisions regarding the reinstatement of an employee upon the expiration of a leave of absence and the separation from the service of an employee who fails to report at the expiration of a leave of absence will be set forth in the Rules.

Section 6.10-7 SICK LEAVE.

Classified employees are entitled to an annual sick leave, in accordance with the provisions set forth in the Rules. The City Manager may grant the same sick leave benefits to provisional appointees.

Section 6.10-8 VACATIONS.

Classified employees who have held a city position for a period of six months, and who have successfully completed their respective probationary periods, will be entitled to take accrued vacation with pay as specified in the Rules.

Section 6.10-9 RESIGNATION.

The resignation of a classified employee will be filed and accepted on behalf of the City in accordance with the provisions set forth in the Rules.

Section 6.10-10 REINSTATEMENT FOLLOWING RESIGNATION.

Any person who has held a classified position and has resigned from the service in good standing and without fault or delinquency may seek reinstatement in accordance with the provisions set forth in the Rules.

Section 6.11-1 WHEN TRANSFER IS PERMISSIBLE.

Transfers may be made from a position in one department to a similar position, of the same class and grade, in another department, in accordance with the procedures set forth in the Rules.

Section 6.11-4 REDUCTION FOR PHYSICAL INCAPACITY.

An employee may be reduced from a higher to a lower class when physically unable to perform the duties of the higher position, in accordance with the provisions set forth in the Rules.

Section 6.12-1 STANDARDS OF EFFICIENCY

The City Manager, or by designation the Human Resources Director, shall establish by written policy appropriate standards of efficiency for all positions in each class and grade in the classified positions.

Ballot Proposition

FOR ( ) Shall Sections 6.4-3, 6.9-1, 6.9-2, 6.10-1, 6.10-2, 6.10-4, 6.10-7, 6.10-8, 6.10-9, 6.10-10, 6.11-1, 6.11-4 and 6.12-1 of the City Charter be amended and Sections 6.10-3, 6.10-5, 6.10-6, 6.10-11, 6.11-2 and 6.11-3 be deleted in their entirety, relating to job rights, conditions and benefits provided to employees: to provide procedures and conditions for compensation and staff reduction, lay off, job abolishment, leave of absence, sick leave, vacations, resignation, reinstatement following resignation, probationary periods, transferring job positions, and reduction in job class for physical incapacity, be in accordance with established Rules; to provide that the City Manager or the Human Resources Director shall establish standards of efficiency to measure employee performance; to delete definitions in Section 6.14-1 for the terms layoff,

resignation, reinstatement, advancement, and efficiency or service records; and the section number of 6.12-1 be deleted and Section 6.12 be renamed as Standards of Efficiency; and the provisions under Sections 6.10 and 6.11 be renumbered as appropriate?

AGAINST ( )

## **AMENDMENT NO. 10**

### Text of Amendment

Amending the Charter of the City of El Paso Section 6.13-1, Discharge During Probation; Section 6.13-2, Disciplinary Action; Reduction; Section 6.13-3, Causes of Suspension, Reduction or Discharge; Section 6.13-6, Action by Commission; Section 6.1-17, Hearing Officers; Section 6.13-7, Hearing Officer; and Section 6.13-8, Subsequent Action; and deleting Section 6.13-9 in its entirety; to read as follows:

#### Section 6.13-1 DISCHARGE DURING PROBATION.

A new employee may be discharged at any time during the probation period for any reasons but, for the record, a full statement of those reasons must be filed with the Human Resources Director within three days of the discharge.

#### Section 6.13-2 DISCIPLINARY ACTION; REDUCTION.

A permanent employee may be discharged, suspended or reduced in rank or position as provided in this Charter or further defined in the Rules.

#### Section 6.13-3 CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE.

The following, which may be further defined in the Rules, may constitute causes for discharge, suspension, or reduction in grade of permanent employees:

- A. Conviction of a felony or of a misdemeanor involving moral turpitude;
- B. Brutality to a City prisoner;
- C. Being under the influence of intoxicants or drugs or the use thereof while on duty;
- D. Being physically or mentally unfit for City service;
- E. Being wantonly offensive in conduct or language;
- F. Performance of duty consistently below established minimum standards.
- G. Negligence in care or misuse of City property;
- H. Unexcused absence from duty for a period of three or more successive days;
- I. Exerting improper use of political influence;
- J. Inducing or assisting another to commit an unlawful act;
- K. Exerting improper influence on behalf of a relative;
- L. Engaging in improper political activity;
- M. Violates the City's Ethics Ordinance;
- N. Refusal to follow the lawful order of a superior or supervisor;
- O. Subjecting a fellow employee or subordinate to unlawful intimidation, harassment or retaliation; and
- P. For just cause.

#### Section 6.13-6 ACTION BY COMMISSION.

A. If the Commission hears the appeal in a disciplinary case it will, by majority vote of its members present and voting, determine whether the evidence sustains the charges. If the Commission determines that the charges are sustained, in whole or in part, it will at once determine whether the good of the service requires

that the appealed action be upheld or reduced. If the Commission determines that the charges are not sustained, the accused will be reinstated immediately and without prejudice, and will not be deprived of any salary for any period of suspension preceding the hearing.

B. In cases involving matters such as denial of promotion, the Commission shall review all facts in the cases and direct appropriate corrective steps, if necessary.

C. In conducting any hearing, the Commission must in all cases, afford full and free opportunity to all parties to present evidence relevant to the issue or issues involved. The burden of proving an alleged offense and of establishing just ground of discharge, suspension, or reduction rests upon the City Manager or designee by whom the action was taken. A preponderance of the evidence is required to substantiate any charge.

D. Decisions of the Commission shall be final.

Section 6.1-17 HEARING OFFICERS.

The Commission will appoint one or more compensated hearing officers to hear appeals made under Section 6.13-4. The need for hearing officers in excess of one shall be determined jointly by the Commission and the City Manager. Hearing officers will perform those duties and functions necessary to render a recommendation to the Commission on the matter in dispute.

The hearing officers will serve at the Commission's pleasure, and will not be classified. Reasonable compensation shall be paid by the City.

Section 6.13-7 HEARING OFFICER.

A. The Hearing Officer shall have the power to establish appropriate procedures for the conduct of the hearing, issue subpoenas to compel the attendance of witnesses, make appropriate findings during the course of a hearing, prepare written recommendations to the Commission, and such other powers and duties as set forth in the Rules.

B. The principles established in Section 6.13-6, will apply equally to hearing officers.

Section 6.13-8 SUBSEQUENT ACTION.

Upon receipt of the Hearing Officer's opinion and recommendations where applicable, the Commission will review the written record of the hearing, review any written briefs or oral arguments which the parties are permitted by the Commission to submit in accordance with the Rules, and take one of the following actions:

A. Accept or modify the Hearing Officer's recommendations; or

B. Remand the matter to the Hearing officer for development of such additional facts and findings as the Commission deems necessary. Consistent with the remand, the Hearing Officer must conduct an additional hearing and render a further opinion or recommendations for its further action pursuant to this provision.

Ballot Proposition

FOR ( ) Shall Sections 6.13-1, 6.13-2, 6.13-3, 6.13-6, 6.1-17, 6.13-7, and 6.13-8 of the City Charter be amended, and Section 6.13-9 be deleted in its entirety, relating to discharge, disciplinary action, and appeals: to state the processes for discharge during probation and for the discharge, suspension or reduction in rank or position of permanent employees; and to add four new grounds for discipline or reduction for the misuse of City property, assisting another to commit an unlawful act; refusal to follow a lawful order, and subjecting a fellow employee or subordinate to unlawful intimidation, harassment or retaliation; to provide the appeal process and manner by which the Civil Service Commission hears cases and considers the recommendations of a hearing officer; to provide that the Commission and the City Manager set compensation for hearing officers; to state that the decisions of the Commission shall

be final; and to delete the provision relating to the perferred of charges by citizens directly to the Commission?

AGAINST ( )

**AMENDMENT NO. 11**

Text of Amendment

Amending the Charter of the City of El Paso Section 6.13-11, Subsection A, Pension Plans, to read as follows:

Section 6.13-11, Subsection A PENSION PLANS.

A. The Council shall continue a pension plan for all permanent full time employees. Permanent part-time and eligible contract employees may elect not to participate in the plan. Other employees of the City and employees of governmental agencies of the City, except policemen, firemen, and elected officials of the City, shall have the option of participating in the plan. Eligible employees of an adopting employer of the plan shall be participants of the plan.

Ballot proposition

FOR ( ) Shall Section 6.13-11 A of the City Charter be amended, to revise the language concerning the City's pension plan for non-uniform employees to be in conformance with Internal Revenue Service terminology; to include eligible contract employees, and eligible employees of an adopting employer as eligible participants in the plan; and to remove provisions no longer needed concerning employees working at the Library prior to 1968?

AGAINST ( )

**AMENDMENT NO. 12**

Text of Amendment

Amending the Charter of the City of El Paso Section 7.1, Fiscal Year; Section 7.3, Subsection B, Budget Procedures; Section 7.7, Depositories; Section 7.20, Disbursement of City Funds; and Section 7.22, Publishing of Financial Position of the City; to read as follows:

Section 7.1 FISCAL YEAR.

The fiscal year and the budget year of the City shall begin on September 1st and end on the succeeding August 31st, or as otherwise provided by state law or city ordinance adopted pursuant thereto.

Section 7.3, Subsection B BUDGET PROCEDURES.

B. Public Hearing. After its presentation to the Council, at least one public hearing on the budget shall be held prior to its adoption; and notice of that public hearing shall be published in accordance with state law. The proposed budget shall be made available for examination at the office of the City Clerk at least fifteen days prior to the public hearing.

Section 7.7 DEPOSITORIES.

All monies received by any person, in connection with the business of the City, shall be deposited promptly in a City depository and, whenever possible, within one business day after its receipt.

All City bank accounts shall be carried in the name of the City, with such additional designations as are required to distinguish accounts for special purposes.

The Council may, from time to time, authorize transfer from a depository for the purpose of purchasing direct interest-bearing obligations of the United States government, or may authorize withdrawal for investment otherwise in any other manner permitted by the laws of Texas, provided the purchase or investment shall not deny the City the use of such funds when required.

Section 7.20 DISBURSEMENT OF CITY FUNDS.

All disbursement of City funds shall be by check, electronic means, or as authorized by City ordinance.

Section 7.22 PUBLISHING OF FINANCIAL POSITION OF THE CITY.

Within 120 days after the close of each fiscal year, the City shall publish in any contemporary means of information sharing including but not limited to publication in a newspaper of general circulation in the City or placement on the City's web site in the manner designated by the Council, a financial statement of the City prepared with generally accepted accounting principles for municipalities. This will be limited to balance sheets, statement of revenue and expenditures and changes in fund equities.

Ballot Proposition

- FOR ( ) Shall Sections 7.1, 7.3 B, 7.7, 7.20, and 7.22 of the City Charter be amended, relating to the fiscal management and operations of the City; to set the fiscal year to begin on September 1<sup>st</sup> and end on the succeeding August 31<sup>st</sup> or as otherwise provided by law; to provide that publication of the notice of the public hearing on the budget be done in accordance with state law and to permit the publication of the annual financial position of the City be done as established by ordinance; to eliminate the requirement that a depository bank be designated every two years; and to allow the disbursement of City funds by check, electronic means or as authorized by City ordinance?
- AGAINST ( )

**AMENDMENT NO. 13**  
Text of Amendment

Amending the Charter of the City of El Paso Sections 3.5 D, City Council Procedures and Rules, and 7.16, Authorization to Issue Bonds, to read as follows:

Section 3.5, Subsection D CITY COUNCIL PROCEDURES AND RULES.

D. Voting. Voting, except on procedural motions, shall be by roll call and the vote shall be recorded in the minutes. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the members present and voting. Ordinances that impose taxes, grant franchises, or leases, or authorize conveyances shall not be valid unless adopted by a majority of the entire Council.

Section 7.16 AUTHORIZATION TO ISSUE BONDS.

All bonds issued by the City shall be authorized by ordinance. Where required by law, the bonds shall be approved by the Texas Attorney General and registered by the Texas Comptroller of Public Accounts before delivery to the purchaser.

Ballot proposition:

- FOR ( ) Shall Sections 3.5 D and 7.16 of the City Charter be amended to provide that the vote by the City Council to issue bonds requires the approval of a majority of the Council present and voting, rather than a majority of nine?
- AGAINST ( )

**AMENDMENT NO. 14**  
Text of Amendment

Amending the Charter of the City of El Paso, the title of Section 6.15, Existing Laws and Constitutionality; and the section number of 6.15-2 Existing Laws and Constitutionality; and deleting Sections 2.1 G, 6.1-12, 6.1-14, 6.12-2, 6.13A, 6.13C, 6.13D, and 6.15-1 in their entirety:

Section 6.15 EXISTING LAWS AND CONSTITUTIONALITY

Ballot Proposition

FOR ( ) Shall Sections 2.1 G, 6.1-12, 6.1-14, 6.12-2, 6.13A, 6.13C, 6.13D, and 6.15-1 of the City Charter be deleted in their entirety, relating to provisions no longer needed: to delete provisions: relating to the implementation of the Charter in 1984; pertaining to the transfers of employees into the civil service system; and language referencing compliance with existing state law; and shall Section 6.15 be renamed as Existing Laws and Constitutionality and Section 6.15-2 revised to remove the section number?

AGAINST ( )

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Helen Jamison, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting station for such election. In addition, the following branch offices, and/or any additional locations that might be added by the Elections Department, and hours for early voting by personal appearance shall be authorized for such election:

Early voting shall be held weekdays from Monday April 30, 2007, thru Tuesday May 8, 2007, and on Saturday May 5, 2007 and Sunday May 6, 2007 only at the branches identified below as: c, d, e, f, g, i, j, k, m, o and p. There is NO voting on Saturday April 28, 2007 and Sunday April 29, 2007. The hours for early voting at each early voting location are as noted below.

Location:

Hours of voting:

a) Ann Garcia-Enriquez  
Middle School (San Elizario)  
12280 Socorro Rd.

weekdays only - 8:00 am – 5:00 pm

b) Anthony City Hall  
401 Wildcat Dr.

weekdays only - 8:30 am - 4:30 pm

c) Bassett Place  
6101 Gateway West

weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 --  
7:00 am - 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am - 6:00 pm

d) Carolina Recreation Center  
563 N. Carolina

weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am - 6:00 pm

- e) Courthouse  
500 E. San Antonio Ave  
weekdays -- 8:00 am - 5:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am - 6:00 pm
- f) Dieter Plaza Shopping Strip  
1605 George Dieter  
weekdays 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am - 6:00 pm
- g) Miner Village, #C  
2900 N. Mesa  
weekdays -- 9:00 am – 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am - 6:00 pm
- h) Oz Glaze Senior Center  
13969 Veny Webb St.  
weekdays only - 8:00 am - 5:00 pm
- i) Promenade Shopping Strip  
7500 N. Mesa  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am –6:00 pm
- j) Rev. Pete Martinez, Senior Center  
9301 Alameda  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am –6:00 pm
- k) Rushfair Shopping Center  
5255 Woodrow Bean  
Transmountain Dr.  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am –6:00 pm
- l) Socorro City Hall  
860 Rio Vista Rd.  
weekdays only - 8:00 am - 5:00 pm
- m) Sunrise Shopping Center  
8500 Dyer  
weekdays -- 9:00 am - 6:00 pm, with expanded hours  
Monday, May 7, 2007 and Tuesday, May 8, 2007 –  
7:00 am – 7:00 pm  
Saturday, May 5, 2007 – 9:00 am - 6:00 pm  
Sunday, May 6, 2007 – 9:00 am –6:00 pm



The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Jerry Rosenbaum
2. Mr. Charlie Wakeem
3. Mr. Kevin Courtney, Lead Organizer for El Paso Interreligious Sponsoring Organization
4. Mr. Richard Schecter
5. Mr. Richard Dayoub, President of the Greater El Paso Chamber of Commerce
6. Ms. Lisa Turner

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

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

#### **2<sup>ND</sup> MOTION**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Presi Ortega, Jr., and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Lisa Turner to address the Council after the sign-up period.

#### **3<sup>RD</sup> MOTION**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **AMEND** Section 3.2 of the City Charter to set salaries for City Council at \$29,000 and the Mayor at \$45,000 effective in June 2009.

AYES: Representatives Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Byrd, Castro, and Holguin

ABSTAIN: Representative Lilly

#### **4<sup>TH</sup> MOTION**

Motion made by Representative Castro, seconded by Representative Holguin, to amend Section 3.9 of the City Charter. The motion **FAILED**.

AYES: Representatives Castro and Holguin

NAYS: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

#### **5<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and carried to **AMEND** Section 11 of the proposed Charter Amendments to remove mention of elected officials' participation in the pension plan.

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

ABSTAIN: Representative Lilly

#### **6<sup>TH</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Lozano, and carried to **AMEND** Proposition No. 13 of the proposed Charter Amendments, amending Section 7.16 to remove the

requirement that a vote based on a majority of the entire Council is required to issue bonds, and to allow issuance of bonds by a majority of those present and voting, to include an amendment to Section 3.5 D and remove the language in the last sentence of this subsection regarding the vote on ordinances providing for the issuance of bonds.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

**7<sup>TH</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Castro, to **SUBMIT** to the voters for approval any use of eminent domain for private purposes for economic development. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin

NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

**8<sup>TH</sup> MOTION**

Motion made by Representative Holguin to **POSTPONE** the item until the November elections. The motion died for **LACK OF A SECOND**.

**9<sup>TH</sup> MOTION**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried to **APPROVE** the Resolution calling for the General Election on May 12, 2007.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

**10<sup>TH</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried to **SUBMIT** the amended Charter Amendments to the voters at the May 12, 2007, General Election.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

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**17. BUDGET TRANSFERS**

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE** budget transfer BT2007-583 – AIRPORT.

This budget transfer is to set up the appropriations associated with the construction of the lift station which will provide services for the golf course, future hotel, and programmed, integrated high-tech office/industrial park.

Increase        \$2,200,000    to        Fund Balance Transfer  
Increase        \$2,200,000    to        Construction

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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**18. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS**

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services to issue Purchase Order(s) to Southwest Sterling Inc., dba MHC Kenworth-Ford-Sterling for two Combination Sewer Rodding Vacuum Trucks. The

total amount of purchase is \$534,456.00. This purchase is being made from El Paso Water Utilities Contract No. 76-06 (Vehicles and Equipment) awarded by the Public Service Board on January 10, 2007.

Department: Street Department  
Account No.: 508006 – 27264 – 14200500 - PSTM06PW555  
Funding Source: Capital Outlay for Vehicular Equipment/Storm 2006  
Total Award: \$534,456.00  
Districts: All  
Reference No: 2007-119

NOT PRESENT FOR THE VOTE: Mayor Pro Tempore Presi Ortega, Jr.

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**19. CITY MANAGER**

Discussion and action on issues related to Storm 2006.

Mr. Alan Shubert, provisional City Engineer and Director of Development Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Steve Ortega, O’Rourke, Lilly, and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

**NO ACTION WAS TAKEN** on the item.

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Motion made by Representative Lozano, seconded by Representative O’Rourke, and unanimously carried to **ADJOURN** this meeting at 2:39 p.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk