

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 2, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:04 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Steve Ortega, and Beto O'Rourke. Late arrival: Eddie Holguin, Jr. at 9:10 a.m. Absent: Carl Robinson and Rachel Quintana requested to be excused. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. 2010 CENSUS AWARENESS MONTH
2. REGISTERED DIETITIAN'S DAY
3. 17TH ANNUAL BEEMS CONFERENCE BILINGUAL EDUCATION:
LEADING FOR THE FUTURE

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Jorge Artalejo
2. Ms. Lisa Turner

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EX1. Jose F. Fong d/b/a/ Tequila Sunrise, et al., vs. City of El Paso; Cause No. 2007-2900. (551.071)

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

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EX2. American Promotional Events of Texas, L.P. vs. City of El Paso; Cause No. 2009-2983. (551.071)

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

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CONSENT AGENDA

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

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

NAYS: None

ABSENT: Representatives Robinson and Quintana

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 23, 2010, and the Special City Council Meeting of February 23, 2010 (2011 Men's and Women's Conference USA Basketball Tournament).

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representatives Carl Robinson and Rachel Quintana from the regular City Council meeting of March 2, 2010.

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3A.

***RESOLUTION**

WHEREAS, in accordance with Chapter 18.50 of the El Paso Municipal Code, the Building Standards Commission of the City of El Paso, by Order dated the 26th day of August, 2009, after due notice and hearing, ordered Andrea Rodriguez, record Owner of the hereinafter described property that the main structure and the carport be demolished within 30 days and clean the premises of all weeds, trash, and debris all within 30 days, and the Owner having failed after due notice to comply with such Order, any mortgagees, lienholders and other persons having an interest in the property have an additional 10 days to demolish the main structure and the carport and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to demolish the main structure and the carport and clean the premises of all weeds, trash, and debris.

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

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

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

Lots 11 and 12, Block 85, Morningside Heights Subdivision, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3511 Polk Avenue, El Paso, Texas,

to be \$11,678.67, performed by the Street Department of the City of El Paso, and \$943.42, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$12,622.59. The City Council finds that the work was completed on the 7th day of December, 2009, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of \$12,622.59 to be a lien on the above-described property.

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

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

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3B.

***RESOLUTION**

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

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

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

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

223 Barker Road, more particularly described as Lot(s) 5-B-1 (0.859 AC) & 5-B-2 (0.0439 AC) (0.9029 AC), Block 23, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-023A-0504

to be \$244.08, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY EIGHT AND 08/100 DOLLARS (\$268.08). The City Council finds that the work was completed on the 14th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED SIXTY EIGHT AND 08/100 DOLLARS (\$268.08) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

215 Coronado Road, more particularly described as Lot(s) 22, Block 35,
Cedar Grove Park Subdivision, El Paso, El Paso County, Texas, Parcel
#C301-999-0350-6300

to be \$137.08, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY ONE AND 08/100 DOLLARS (\$161.08). The City Council finds that the work was completed on the 2nd day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTY ONE AND 08/100 DOLLARS (\$161.08) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

6275 E Yandell Drive, more particularly described as Lot(s) 25, Block 7,
Womble Subdivision, El Paso, El Paso County, Texas, Parcel #W813-999-
0070-4900

to be \$239.84, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY THREE AND 84/100 DOLLARS (\$263.84). The City Council finds that the work was completed on the 10th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED SIXTY THREE AND 84/100 DOLLARS (\$263.84) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

10008 Caribou Drive, more particularly described as Lot(s) Pt of Lot(s) 3 (Unit D & Und 1/4 Int in Unit E 2552.90 Sq Ft) 1001.00 Sq Ft, Block 10, Bellewood #4 Subdivision, El Paso, El Paso County, Texas, Parcel #B351-999-0100-0375

to be \$74.56, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINETY EIGHT AND 56/100 DOLLARS (\$98.56). The City Council finds that the work was completed on the 31st day(s) of August, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount NINETY EIGHT AND 56/100 DOLLARS (\$98.56) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

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

to be \$120.84, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FORTY FOUR AND 84/100 DOLLARS (\$144.84). The City Council finds that the work was completed on the 10th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY FOUR AND 84/100 DOLLARS (\$144.84) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

8313 Hester Road, more particularly described as Lot(s) 14 (6788 Sq Ft),
Peterson Subdivision, El Paso, El Paso County, Texas, Parcel #P689-999-
0010-2700

to be \$148.74, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY TWO AND 74/100 DOLLARS (\$172.74). The City Council finds that the work was completed on the 30th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY TWO AND 74/100 DOLLARS (\$172.74) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

1501 N. Brown Street, more particularly described as Lot(s) 1 (15461 Sq Ft),
Block 2, El Encanto Subdivision, El Paso, El Paso County, Texas, Parcel
#E311-999-0020-0100

to be \$147.76, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76). The City Council finds that the work was completed on the 16th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

1507 N. Brown Street, more particularly described as Lot(s) 2 (10425 Sq Ft), Block 2, El Encanto Subdivision, El Paso, El Paso County, Texas, Parcel #E311-999-0020-2100

to be \$128.28, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY TWO AND 28/100 DOLLARS (\$152.28). The City Council finds that the work was completed on the 16th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY TWO AND 28/100 DOLLARS (\$152.28) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

1139 E. California Avenue, more particularly described as E 20 Ft of Lot 44 & W 20 Ft of Lot 45, Block 293, Pierce Finley Subdivision, El Paso, El Paso County, Texas, Parcel #P795-999-2930-8500

to be \$112.99, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED THIRTY SIX AND 99/100 DOLLARS (\$136.99). The City Council finds that the work was completed on the 14th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY SIX AND 99/100 DOLLARS (\$136.99) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

1012 Noble Street, more particularly described as S 40 Ft of Lot(s) 1 to 4,
Block 83, Franklin Heights Subdivision, El Paso, El Paso County, Texas,
Parcel #F607-999-0830-0100

to be \$130.17, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY FOUR AND 17/100 DOLLARS (\$154.17). The City Council finds that the work was completed on the 14th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY FOUR AND 17/100 DOLLARS (\$154.17) 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.

***RESOLUTION**

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

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

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

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

3011 E San Antonio Avenue, more particularly described as Lot(s) 7, Block B,
Moeller Subdivision, El Paso, El Paso County, Texas, Parcel #M627-999-
0010-3300

to be \$72.56, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINETY SIX AND 56/100 DOLLARS (\$96.56). The City Council finds that the work was completed on the 2nd day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount NINETY SIX AND 56/100 DOLLARS (\$96.56) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

Lot(s) 13 & 14 (8400.00 SQ FT), Block 11, Mundy Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #M946-999-0110-6600

to be \$147.76, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76). The City Council finds that the work was completed on the 15th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76) 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.

4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Kevin T. von Finger to the El Paso Museum of Archaeology Advisory Board by Representative Beto O’Rourke, District 8.

4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Anna Philhoefer to the Cultural Affairs Advisory Board by Representative Steve Ortega, District 7.

4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Alexander V. Neill to the Ethics Review Commission by Representative Steve Ortega, District 7.

4D. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Loretta Hyde to the Animal Welfare Advisory Committee by Representative Ann Morgan Lilly, District 1.

5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Ann R. Gabbert to the History Museum Advisory Board by Representative Emma Acosta, District 3.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Shirley Neagle to the Community Development Steering Committee by Representative Emma Acosta, District 3.

6. APPLICATIONS FOR TAX REFUNDS

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

- A. Clear Channel Outdoor in the amount of \$18,533.12 overpayment of 2009 taxes. (PID #I998-999-1431-0050).
- B. Bashar Abugalyon in the amount of \$5,576.42 overpayment of 2009 taxes. (PID #A462-999-0450-0100).
- C. Lone Star Title of Company of El Paso in the amount of \$4,078.78 overpayment of 2009 taxes. (PID #B190-999-0010-4200).
- D. Bank of America in the amount of \$3,920.46 overpayment of 2009 taxes. (PID #B318-999-0020-1300).
- E. Stewart Title of El Paso in the amount of \$3,602.01 overpayment of 2009 taxes. (PID #C070-999-0010-0200).
- F. Stewart Title of El Paso in the amount of \$3,185.54 overpayment of 2009 taxes. (PID #C340-999-1120-3700).
- G. Malaco Joint Venture in the amount of \$11,393.96 overpayment of 2009 taxes. (PID #C763-999-0020-0200).
- H. First American Title in the amount of \$4,709.20 overpayment of 2009 taxes. (PID #E222-999-1150-2100).

- I. Government Employees Credit Union in the amount of \$3,356.67 overpayment of 2009 taxes. (PID #G569-999-1190-8500).
- J. Richard Garcia and Martha Garcia in the amount of \$3,432.20 overpayment of 2009 taxes. (PID #H782-000-0060-1500).
- K. Sierra Title Company in the amount of \$3,550.76 overpayment of 2009 taxes. (PID #L478-999-0140-3500).
- L. Bingham Kids LP in the amount of \$7,259.74 overpayment of 2008 taxes. (PID #L541-999-001A-4300).
- M. Chicago Title Insurance Company in the amount of \$3,561.76 overpayment of 2009 taxes. (PID #M090-999-0090-3050).
- N. Citi Mortgage in the amount of \$5,647.71 overpayment of 2009 taxes. (PID # M740-999-000-0000-0100).
- O. Bank of America in the amount of \$3,478.04 overpayment of 2009 taxes. (PID #P133-999-0080-4600).
- P. Robert Bluemenfeld and Melanie Bluemenfeld in the amount of \$6,000.00 overpayment of 2008 taxes. (PID #P327-999-0040-1800).
- Q. CitiMortgage in the amount of \$2,942.96 overpayment of 2009 taxes. (PID #P481-999-0280-5100).
- R. Adrian Ramirez in the amount of \$3,238.50 overpayment of 2009 taxes. (PID #P654-999-0520-3900).
- S. Lawyers Title of El Paso in the amount of \$2,696.28 overpayment of 2009 taxes. (PID #S033-999-0120-0400).
- T. Lawyers Title of El Paso in the amount of \$4,969.77 overpayment of 2009 taxes. (PID #S138-999-0040-0100).
- U. Midland Mortgage in the amount of \$3,334.33 overpayment of 2009 taxes. (PID #S804-999-0210-9200).
- V. U. S. Bancorp Service Providers, LLC in the amount of \$3,337.63 overpayment of 2009 taxes. (PID #S812-999-0030-1000).
- W. Lewis R. Sully in the amount of \$2,908.83 overpayment of 2009 taxes. (PID #S812-999-0470-0100).
- X. Reynalda & Florendo Pallaya, Jr. in the amount of \$3,935.21 overpayment of 2009 taxes. (PID #S814-999-0210-0200).
- Y. Bank of America in the amount of \$4,279.04 overpayment of 2009 taxes. (PID #S979-999-0150-2500).
- Z. Michael Castillo in the amount of \$2,682.15 overpayment of 2009 taxes. (PID #T287-999-0290-3700).
- AA. Chicago Title Insurance in the amount of \$7,877.85 overpayment of 2009 taxes. (PID #V893-999-2650-1500).

- BB. Universal Mortgage Corp. in the amount of \$8,541.47 overpayment of 2009 taxes. (PID #V893-999-5470-3100).
- CC. Bank of America in the amount of \$3,992.56 overpayment of 2009 taxes. (PID #V893-999-5680-0900).
- DD. Yoshiki Nakamoto in the amount of \$2,773.22 overpayment of 2009 taxes. (PID #W145-999-0070-2800).
- EE. Jose Luis & Mary Carmen De Santiago in the amount of \$4,888.84 overpayment of 2009 taxes. (PID #W145-999-0600-1300).

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7. PURCHASING REQUEST TO ISSUE PURCHASE ORDERS

Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue purchase orders to Trans American Communications, Inc. of El Paso, Texas, under Region 19 Contract 08-6138 for Structured Cabling Services for various City Departments. Total estimated expenditures not to exceed \$100,000. The previous purchase orders have exceeded the \$50,000 expenditures threshold approved by City Council for Region 19 Cooperative Purchasing Program. The participation by the City of El Paso in the Region 19 Cooperative Purchasing Program was approved by Mayor and City Council on March 4, 2008.

Department:	Financial Services – Purchasing Division
Funding Source:	Various
Total Estimated Amount:	\$100,000
Reference No.:	2010-16

Mayor Cook and Representative O’Rourke commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior Assistant City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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8A. – 8G. INTRODUCTIONS

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

- 8A.** An Ordinance amending The Plan for El Paso and the Year 2025 General Land Use Map by adopting the El Paso Historic Preservation Plan.
- 8B.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) to delete references to the El Paso Downtown Management District and to address solid waste collection and related service in a designated required commercial collection zone; to clarify Class B Generators in Section 9.04.040; adding requirements for the use of Class C-1 Containers in Section 9.04.050; adding requirements for certain temporary events and activities in Section 9.04.190; to clarify the frequency of collection services in Section 9.02.220, the penalty in Section 9.04.390 and the adoption of fees in Section 9.04.400A and 9.04.400C; the penalty as provided in Section 9.04.390 of the El Paso City Code.

Mayor Cook commented.

Mr. Mike Breitingger, Executive Director of the El Paso Central Business Association, asked that the El Paso Central Business Associations objection to 8B be noted for the record.

PUBLIC HEARING WILL BE HELD ON MARCH 9, 2010, FOR ITEMS 8A – 8B

- 8C.** An Ordinance changing the zoning of Lot 17, Block 258, Vista Del Sol Unit 45, City of El Paso, El Paso County, Texas, from A-O/C (Apartment/Office/ Conditions) to C-1/C (Commercial/Conditions) and modifying Condition No. 1 placed on the property by Ordinance No. 9955, and adding two conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8D.** An Ordinance changing the zoning of a portion of Lots 1–7, Block 229, Alexander Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8E.** An Ordinance changing the zoning of Lots 17-20, Block 121, amended map of Morningside Heights Addition, City of El Paso, El Paso County, Texas, from R-5 (Residential) to A-2 (Apartment) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 8F.** An Ordinance granting Special Permit No. ZON09-00075 to allow for infill development on the property described as Lots 17-20, Block 121, Morningside Heights Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code.
- 8G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tracts 3 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to A-O (Apartment/ Office); and, Parcel 2A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 2B: a portion of Tracts 5 and 8, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q/SC (Quarry/Special Contract) to C-2/C (Commercial/Condition), and imposing conditions; and, Parcel 3A: a portion of Tract 8, Section 44, Block 79, Township 2, Texas and

Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, be changed from Q (Quarry) to C-4/C (Commercial/Condition), and imposing conditions; and, Parcel 3B: a portion of Tracts 5 and 8 and all of Tract 5a, Section 44, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas; be changed from Q/SC (Quarry/Special Contract) to C-4/C (Commercial/Condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 23, 2010, FOR ITEMS 8C – 8G

9. ENGINEERING

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2010-097 for the Upper Valley Drainage Improvements Phase 4 to J.A.R. Concrete, Inc. d/b/a J.A.R. Construction, Inc. for a total estimated amount of \$2,638,425.64.

Award to:	J.A.R. Concrete, Inc., d/b/a J.A.R. Construction, Inc.
Base Bid 1	\$1,679,731.60 - Lindberg Ave.
Base Bid 2	\$ 771,515.04 - Equestre Dr.
Base Bid 3	\$ 128,880.00 - Water/PSB (Equestre Dr.)
Base Bid 4	\$ 58,299.00 - Sewer/PSB (Equestre Dr.)

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

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do not make changes to the unit prices and are within the appropriate budget.

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder.

Representatives O'Rourke and Ortega commented.

Ms. Joyce Wilson, City Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

Ms. Lisa Turner, citizen, commented.

10.

ORDINANCE 17282

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELEASING CONDITIONS PLACED ON TRACT 12 AND 12A, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

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11. MAYOR AND COUNCIL

For notation: Formal report of the Transportation Legislative Review Committee meeting held on February 18, 2010, regarding the incorporation of a project(s), that will help to reduce border wait times, into the City's 2010 Federal Legislative Agenda, as submitted by Representative Beto O'Rourke.

Representative O'Rourke commented.

NO ACTION was taken on the item.

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12. PARKS AND RECREATION

Motion made by Mayor Pro Tempore Acosta , seconded by Representative Byrd, and unanimously carried to APPROVE the Parks and Recreation Youth Services Plan, which outlines enhanced services that can be implemented immediately in Fiscal Year 2010 and proposes services that can be considered for funding during the Fiscal Year 2011 budget process as well as future fiscal years, **WITH THE REVISION OF ADDING THE GARY DEL PALACIO, CAROLINA CENTERS, THE MAGOFFIN AREA, AND THE WESTSIDE RECREATION AREAS AND REQUESTING STAFF RETURN NEXT WEEK WITH THE REVISED BUDGET TRANSFERS.**

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

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

Ms. Joyce Wilson, City Manager, commented.

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13. BUDGET TRANSFER

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, a budget transfer for \$61,270 to establish necessary appropriations in Parks and Recreation to pay for enhanced youth programs for remainder of Fiscal Year 2010. Funds transferred from contingency will support implementation of:

Midnight basketball in summer at 5 locations
Additional leisure instruction contracts
Outdoor education workshops and activities.

14. CITY MANAGER

City Manager’s report of current events and issues:

Presentation to City Council on the El Paso Mental Health/Mental Retardation (MHMR) 2009 Annual Report.

Ms. Selene Quintana, Associate Chief Executive Officer of El Paso MHMR, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Lilly and Acosta commented.

NO ACTION was taken on the item.

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 10:27 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk