CITY CLERK DEPT.
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CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Development Services Department, Planning Division**

AGENDA DATE: **Introduction: February 19, 2008**
Public Hearing: March 11, 2008

CONTACT PERSON/PHONE: **Arturo Rubio, 541-4633**

DISTRICT(S) AFFECTED: **1**

SUBJECT:
An Ordinance changing the zoning of parcel 1: Tract 3c and a portion of tracts 3A and 3B, Nellie D. Mundy Survey No. 240 and apportion of Tract 1A, Nellie D. Mundy Survey No. 241, parcel 2: a portion of Tract 3A, Nellie D. Mundy Survey 240 and parcel 3: a portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County, Texas, parcel 1: from R-3 (Residential) to R-3A (Residential), parcel 2: from R-3 (Residential) to C-3 (Commercial) and parcel 3: from R-3 (Residential to A-2 (Apartment). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North of Borderland Road and West of Interstate Highway-10. Applicants: Tropicana Development Inc., ZON07-00150 (District 1)

BACKGROUND / DISCUSSION:
See attached report.

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Pat D. Adauto
Development & Infrastructure Services

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: TRACT 3C AND A PORTION OF TRACTS 3A AND 3B, NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1A, NELLIE D. MUNDY SURVEY NO. 241, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); AND,

PARCEL 2: A PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL); AND,

PARCEL 3: A PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY NO. 240, CITY OF EL PASO, EL PASO COUNTY TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *Tracts 3C and a portion of Tracts 3A and 3B, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County Texas*, and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-3 (Residential) to R-3A (Residential); and,

Parcel 2: *A portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County Texas*, and more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from R-3 (Residential) to C-3 (Commercial); and,

Parcel 3: *A portion of Tract 3A, Nellie D. Mundy Survey No. 240, City of El Paso, El Paso County Texas*, and more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from R-3 (Residential) to A-2 (Apartment).

(Signatures on following page)

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08 FEB 29 AM 8:38

PASSED AND APPROVED this _____day of _____, 2008.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

for _____
Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

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Cutts Land Surveying, Inc.
Professional Land Surveyors

EXHIBIT "A"

PROPERTY DESCRIPTION
73.738 Acres

Being the description of all of Tract 3C and a portion of Tracts 3A and 3B, Nellie D. Mundy Survey 240, and a portion of Tract 1A, Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found old 1 ½ inch iron pipe at the Southwest corner of said Survey 240 in the East line of the El Canutillo Survey 173 and a found TxDOT brass cap at the Southeast corner of Tract 7A said El Canutillo Survey bears, South 00°07'47" West (bearing base), 1164.63 feet;

THENCE, along the West line of said Survey 240, North 00°07'47" East, a distance of 129.76 feet to a set ½ inch rebar marked (Tx2027) and **POINT OF BEGINNING** for the herein described tract;

THENCE, continuing along said West line, North 00°07'47" East, a distance of 1129.00 feet to a set ½ inch rebar marked (Tx2027);

THENCE, leaving said West line, South 89°59'19" East, a distance of 664.30 feet to a set ½ inch rebar marked (Tx2027);

THENCE, North 00°07'47" East, a distance of 789.25 feet to a set ½ inch rebar marked (Tx2027) in the North line of said Tract 3A and South line of Tract 1A (book 1272, page 555);

THENCE, along said North line of Tract 3A, South 89°59'00" East, a distance of 833.79 feet to a set ½ inch rebar marked (Tx2027) at the most Northeasterly corner of said Tract 3A and Northwest corner of Tract 3A1 (book 4403, page 713);

THENCE, along the West line of said Tract 3A1, South 00°06'56" West, a distance of 1146.97 feet to a set ½ inch rebar marked (Tx2027) at the Southwest corner of said Tract 3A1;

THENCE, North 89°59'04" West, a distance of 296.45 feet to a set ½ inch rebar marked (Tx2027);

THENCE, South 00°07'47" West, a distance of 353.48 feet to a set ½ inch rebar marked (Tx2027);

THENCE, South 89°59'19" East, a distance of 1877.64 feet to a set ½ inch rebar marked (Tx2027);

THENCE, South 00°04'30" West, a distance of 547.50 feet to a set ½ inch rebar marked (Tx2027) in the South line of said Survey 240 and a found ½ inch rebar at the Southeast corner of said Tract 3A in the West right-of-way line of Interstate Highway 10 bears, South 89°59'19" East, 300.00 feet;

THENCE, along said South line of Survey 240, North 89°59'19" West, a distance of 2212.21 feet to a set ½ inch rebar marked (Tx2027) at the beginning of a curve to the left;

THENCE, along the arc of said curve (Delta Angle = 23°35'19", Radius = 40.00 feet, Chord = South 78°13'01" West, 16.35 feet) a distance of 16.47 feet to a set ½ inch rebar marked (Tx2027) at the beginning of a curve to the right;

THENCE, along the arc of said curve (Delta Angle = 129°17'58", Radius = 70.00 feet, Chord = North 48°55'39" West, 126.52 feet) a distance of 157.97 feet;

CITY CLERK DEPT.
08 FEB 1 PM 2:

1100 Montana, Suite 206
El Paso, Texas 79902

Email: cuttsland@aol.com

Tel. (915) 534-9391
Fax (915) 534-9394

Cutts Land Surveying, Inc.

Professional Land Surveyors

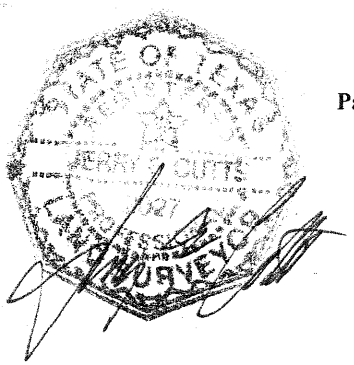
THENCE, North 89°59'19" West, a distance of 98.39 feet to a set ½ inch rebar marked (Tx2027);

THENCE, North 00°07'47" East, a distance of 50.00 feet to a set ½ inch rebar marked (Tx2027);

THENCE, North 89°59'19" West, a distance of 657.93 feet to the **POINT OF BEGINNING** and containing **73.738 acres** of land.

This description was prepared from a survey made on the ground on March 27, 2007 with a plat of dated September 26, 2007.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
October 9, 2007
Job No. 070914-73



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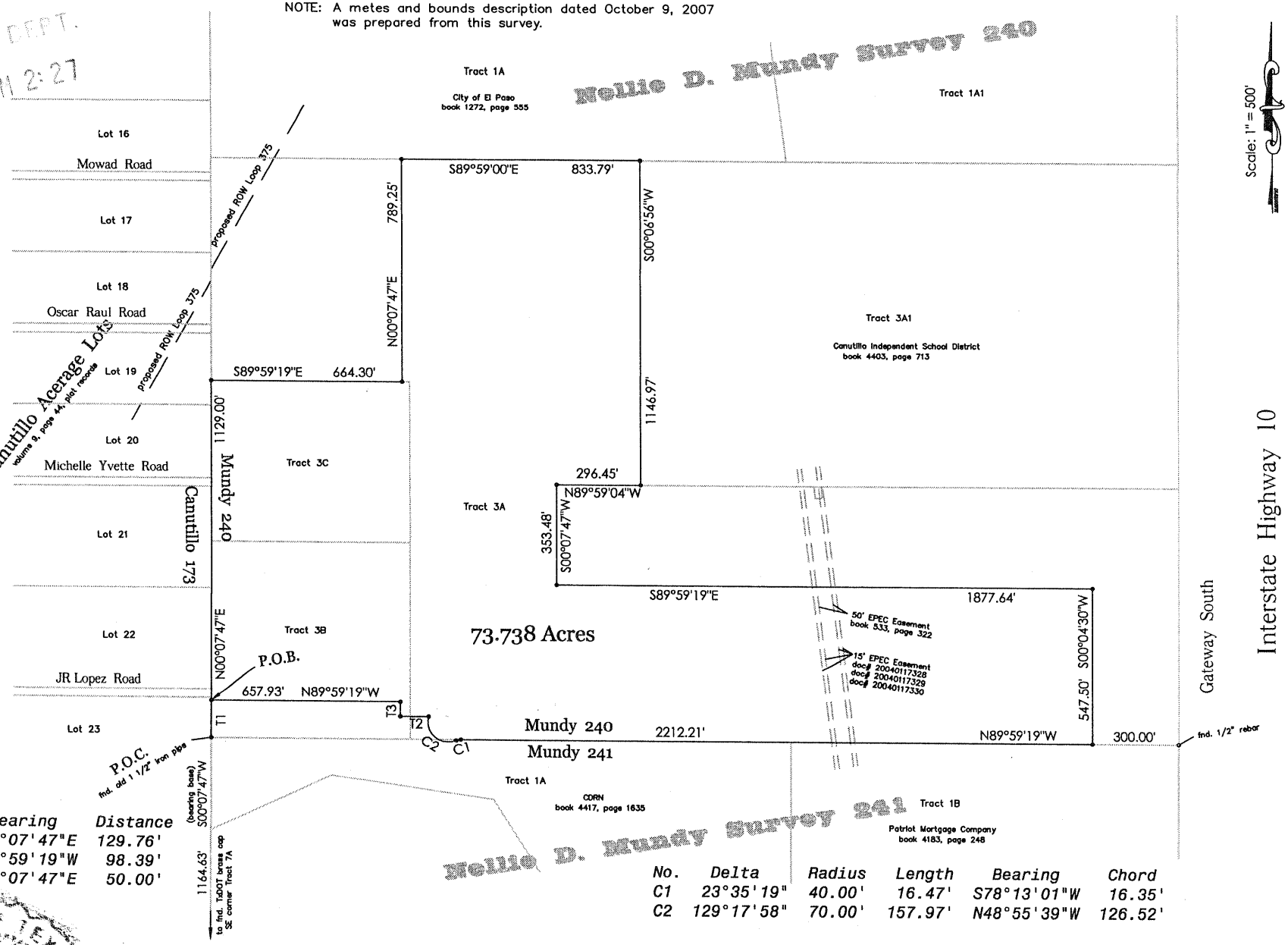
NOTE: A metes and bounds description dated October 9, 2007 was prepared from this survey.



No.	Bearing	Distance
T1	N00°07'47"E	129.76'
T2	N89°59'19"W	98.39'
T3	N00°07'47"E	50.00'

No.	Delta	Radius	Length	Bearing	Chord
C1	23°35'19"	40.00'	16.47'	S78°13'01"W	16.35'
C2	129°17'58"	70.00'	157.97'	N48°55'39"W	126.52'

PLAT OF SURVEY

PORTION OF TRACTS 3A AND 3B AND ALL OF TRACT 3C, NELLIE D. MUNDY SURVEY 240 AND A PORTION OF TRACT 1A, NELLIE D. MUNDY SURVEY 241, EL PASO, EL PASO COUNTY, TEXAS

Date prepared: 09-26-07
Job No. 070914

Cutts Land Surveying, Inc.
Professional Land Surveyors
1100 Montana Avenue, Suite 206
El Paso, Texas 79902
Ph. (915) 534-9391
Fx. (915) 534-9394

Cutts Land Surveying, Inc.
Professional Land Surveyors

EXHIBIT "B"

PROPERTY DESCRIPTION
6.204 Acres

Being the description of a portion of Tract 3A (book 4220, page 984), Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found ½ inch rebar at the Southeast corner of Tract 3A1 (book 4403, page 713) and Northeast corner of said Tract 3A in the West right-of-way line of Interstate Highway 10;

THENCE, along said West line of Interstate Highway 10, South 00°04'30" West (bearing base), a distance of 900.82 feet to a found ½ inch rebar at the Southeast corner of said Tract 3A and Northeast corner of Tract 1B (book 4183, page 248), Nellie D. Mundy Survey 241;

THENCE, leaving said right-of-way line and along the South line of Survey 240, North 89°59'19" West, a distance of 300.00 feet to a set ½ inch rebar marked (Tx2027);

THENCE, leaving said South line, North 00°04'30' East, a distance of 900.84 feet to a set ½ inch rebar marked (Tx2027) in said North line of Tract 3A;

THENCE, along said South line, South 89°59'04" East, a distance of 300.00 feet to the **POINT OF BEGINNING** and containing **6.204 acres** of land.

This description was prepared from a survey made on the ground on March 27, 2007 with a plat dated September 26, 2007.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
October 9, 2007
Job No. 070914-6

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1100 Montana, Suite 206
El Paso, Texas 79902

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Fax (915) 534-9394

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NOTE: A metes and bounds description dated October 9, 2007 was prepared from this survey.

PLAT OF SURVEY

PORTION OF TRACT 3A,
NELLIE D. MUNDY SURVEY 240,
EL PASO, EL PASO COUNTY, TEXAS

Date prepared: 09-26-07
Job No. 070914

Cutts Land Surveying, Inc.
Professional Land Surveyors
1100 Montana Avenue, Suite 206
El Paso, Texas 79902
Ph. (915) 534-9391
Fx. (915) 534-9394

Cutts Land Surveying, Inc.

Professional Land Surveyors

EXHIBIT "C"

PROPERTY DESCRIPTION
15.232 Acres

Being the description of a portion of Tract 3A (book 4220, page 984), Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found ½ inch rebar at the Southeast corner of Tract 3A1 (book 4403, page 713) and Northeast corner of said Tract 3A in the West right-of-way line of Interstate Highway 10 and a found ½ inch rebar at the Southeast corner of said Tract 3A and Northeast corner of Tract 1B (book 4183, page 248), Nellie D. Mundy Survey 241 bears, South 00°04'30" West (bearing base), 900.82 feet;

THENCE, leaving said right-of-way line and along the North line of Tract 3A, North 89°59'04" West, a distance of 300.00 feet to a set ½ inch rebar marked (Tx2027) and **POINT OF BEGINNING** for the herein described tract;

THENCE, leaving said North line, South 00°04'30" West, a distance of 353.34 feet to a set ½ inch rebar marked (Tx2027);

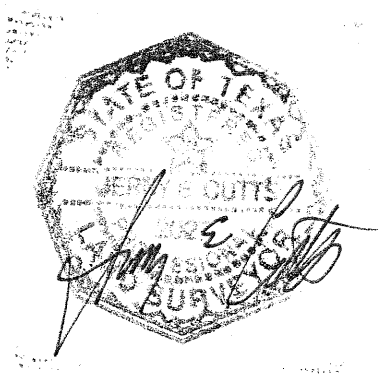
THENCE, North 89°59'19" West, a distance of 1877.64 feet to a set ½ inch rebar marked (Tx2027);

THENCE, North 00°07'47" East, a distance of 353.48 feet to a set ½ inch rebar marked (Tx2027);

THENCE, South 89°59'04" East, a distance of 1877.30 feet to the **POINT OF BEGINNING** and containing **15.232 acres** of land.

This description was prepared from a survey made on the ground on March 27, 2007 with a plat dated September 26, 2007.

PREPARED BY:
Cutts Land Surveying, Inc.
El Paso, Texas
October 9, 2007
Job No. 070914-15



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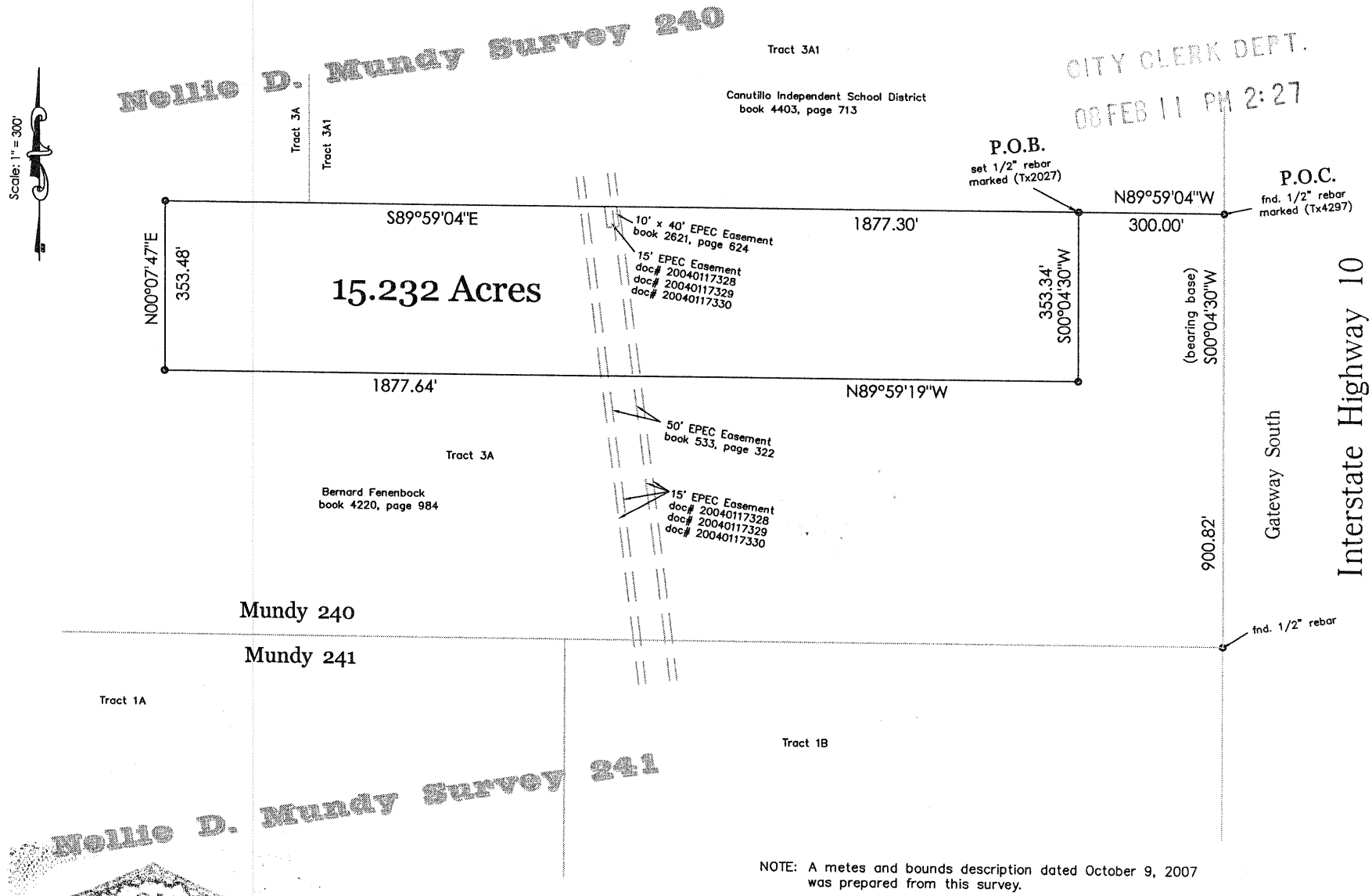

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NOTE: A metes and bounds description dated October 9, 2007 was prepared from this survey.

PLAT OF SURVEY

PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS

Date prepared: 09-26-07
Job No. 070914

Cutts Land Surveying, Inc.
Professional Land Surveyors
1100 Montana Avenue, Suite 206
El Paso, Texas 79902
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JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PAT D. ADAUTO
DIRECTOR, DEVELOPMENT SERVICES

PAT D. ADAUTO
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES
PLANNING DIVISION

CITY MANAGER: _____ **DATE:** _____

MEMORANDUM

DATE: February 7, 2008

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Arturo Rubio, Planner

SUBJECT: **ZON07-00150**

The City Plan Commission (CPC), on January 17, 2008, voted **6-0** to recommend **APPROVAL** of rezoning the subject property parcel 1: from R-3 (Residential) to R-3A (Residential), parcel 2: from R-3 (Residential) to C-3 (Commercial) and parcel 3: from R-3 (Residential to A-2 (Apartment).

The CPC found that this rezoning is in conformance with The Plan for El Paso and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no opposition to this request.

Attachment: Staff Report

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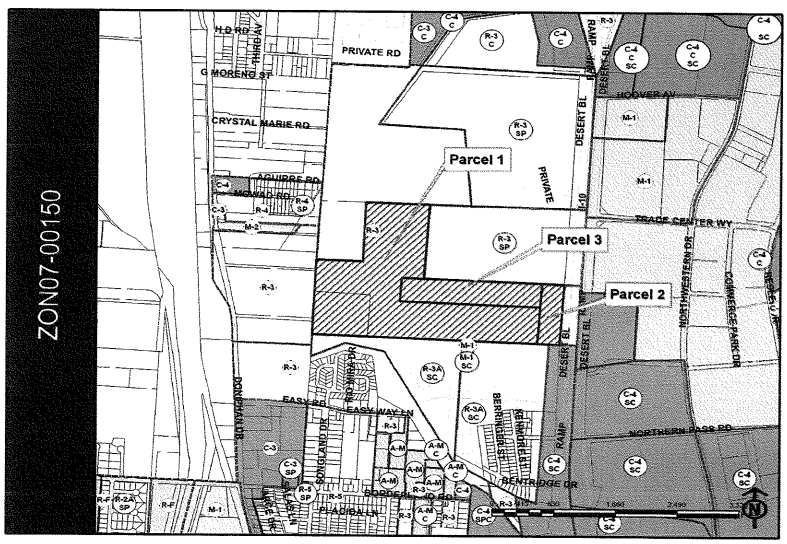
ZON07-00150

Application Type:	Rezoning
Property Owner:	Tropicana Development Inc.
Representatives:	CEA Engineering Group
Legal Description:	A portion of Tracts 3A, 3B all of 3C, Nellie D. Mundy Survey 240 and a portion of Tract 1A, Nellie D. Mundy Survey 241, City of El Paso, El Paso County, Texas
Location:	North of Borderland Road and West of Interstate Highway 10
Representative District:	1 ***Area:*** 95.17
Present Zoning:	R-3 (Residential) ***Present Use:*** Vacant
Proposed Zoning:	Parcel 1: R-3 (Residential) to R-3A (Residential) 73.738 acres Parcel 2: R-3 (Residential) to C-3 (Commercial) 6.204 acres Parcel 3: R-3 (Residential) to A-2 (Apartment) 15.232 acres
Recognized Neighborhood Associations Contacted:	Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association, Upper Valley Neighborhood Association and Upper Valley Improvement Association
Public Response:	None
Surrounding Land Uses:	***North:*** R-3, Vacant, Canutillo High School ***South:*** M-1, M1/sc, R-3A/sc, R-3 single-family Residential ***East:*** C-4/sc, M-1, Industrial ***West:*** Personal Wireless Service Facility (Ground Mounted), Vacant
Year 2025 Designation:	**Industrial/Residential** (North West Planning Area)



General Information:
The applicant is requesting a rezoning from R-3 (Residential) to R-3A (Residential) 73.738 acres on parcel 1, R-3 (Residential) to C-3 (Commercial) 6.204 acres on parcel 2 and R-3 (Residential) to A-2 (Apartment) 15.232 acres on parcel 3. The property is a total of 95.17 acres (4,145,605.2 square feet) in size and is currently vacant. The non-binding conceptual site plan shows proposed residential, commercial and apartment. Access is proposed via Desert Boulevard frontage street to I-10 and there are no zoning conditions on this property.

Staff Recommendation:
The Development Coordinating Committee (DCC) recommends **Approval** of this request for rezoning from R-3 (Residential) to R-3A (Residential), R-3 (Residential) to C-3 (Commercial) and R-3 (Residential) to A-2 (Apartment).

The maximum density on proposed districts for the three parcels is as follows:
Parcel 1: R-3A (single-family 642 units and 535 on existing R-3)
Parcel 2: C-3 (180 multi family units)
Parcel 3: A-2 (132 units on two-family, 189 units on single-family and 147 units other)

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso "Provide a wide rage of housing types that respond to the needs of all economic segments of the community."

- ***The Plan for El Paso*** City-Wide Land Use Goals recommends that El Paso "provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development."

- **The Year 2025 Projected General Land Use Map** for the North West Planning Area designates this property for **Residential and Industrial** land uses.

- **R-3A (Residential), C-3 (Commercial) and A-2 (Apartment) zoning** permits single, multi family and commercial development and **is compatible** with adjacent development.

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Findings:
The Commission must determine the following:

1. Will the zoning protect the best interest, health, safety and welfare of the public in general?
2. Will single-family, multi-family dwellings and commercial be compatible with adjacent land uses?
3. What is the relation of the proposed change to the city's Comprehensive Plan?
4. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits and Inspections Division:
Zoning Review: No objection to proposed re-zoning request
Landscape Review: No comments received.

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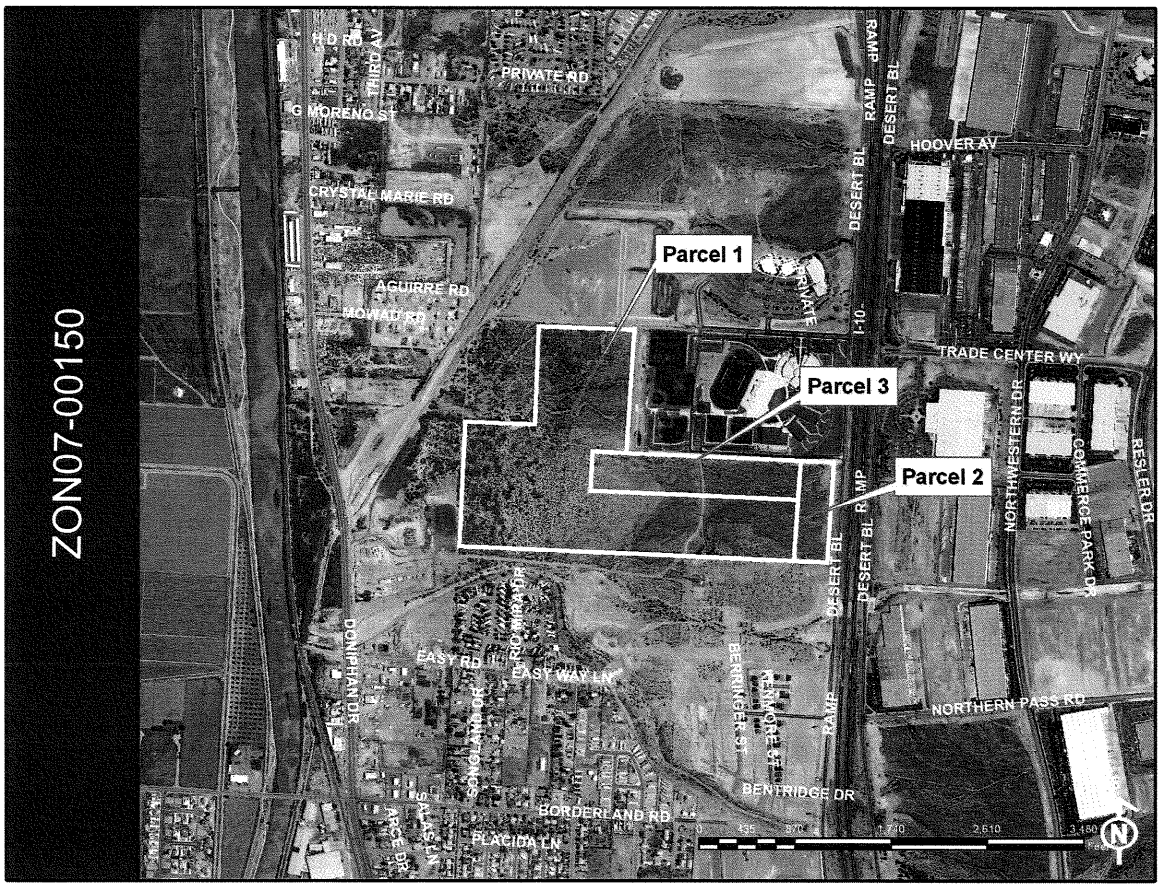
Development Services Department - Planning Division:
Current Planning: Recommends approval of zoning request from R-3 (Residential) to R-3A (Residential), R-3 (Residential) to C-3 (Commercial) and R-3 (Residential) to A-2(Apartment) proposed uses are compatible with adjacent uses.
Land Development: No Comments Received

Engineering Department - Traffic Division:
No objection to change of zoning. Applicant shall coordinate with TxDOT on access roads and deceleration lanes.

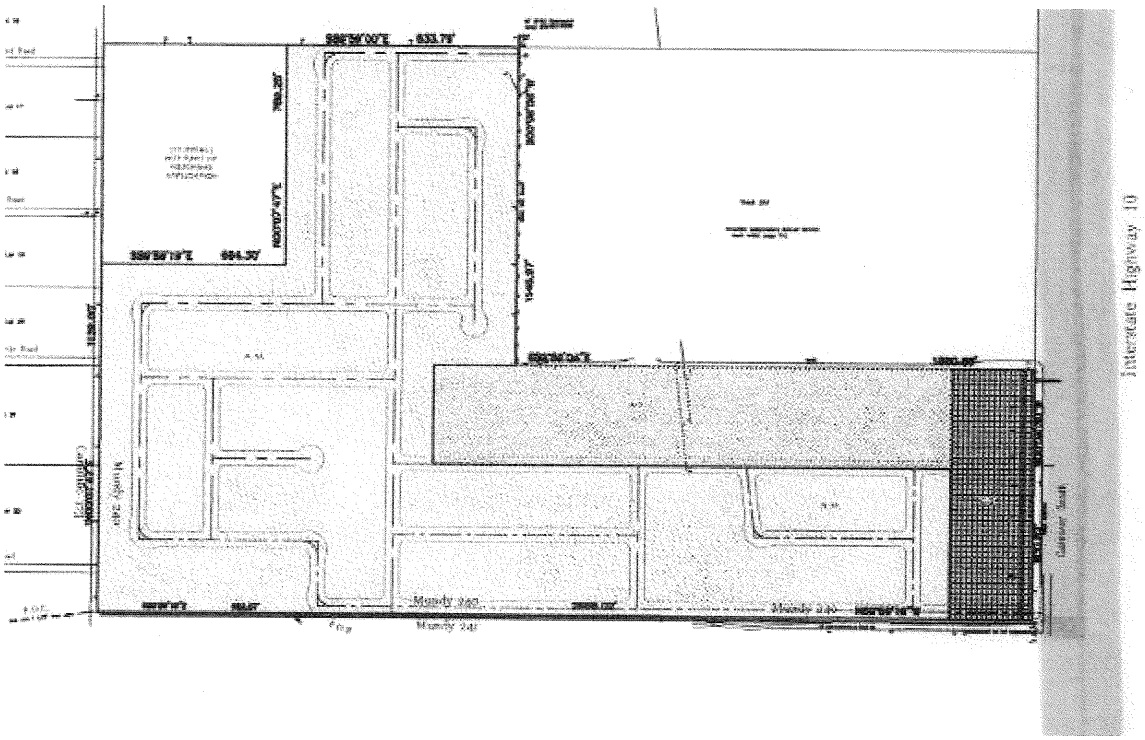
Fire Department
No comments received.

El Paso Water Utilities:
EPWU does not object to this request.



Attachments:
Attachment 1: Non Binding Conceptual Site Plan
Attachment 2: Application

Attachment 2: Non Binding Conceptual Site Plan



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CITY CLERK DEPT.
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Attachment 3: Application

2000-096LZ/PR

REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS

NOV 14 2007

1. CONTACT INFORMATION

PROPERTY OWNER(S): Tropicana Development Inc
ADDRESS: 4655 Cohen Ave. ZIP CODE: 79924 PHONE: 821-3550
APPLICANT(S): Tropicana Development Inc.
ADDRESS: 4655 Cohen Ave ZIP CODE: 79924 PHONE: 821-3550
REPRESENTATIVE(S): CEA Group
ADDRESS: 1204 Montana Ave. ZIP CODE: 79902 PHONE: 5445232
E-MAIL ADDRESS: jazcarate@ceagroup.net FAX: 5445233

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X240999 0000 2500; X241999 00000100
LEGAL DESCRIPTION: Being the description of all Tract 3C and a portion of Tracts 3A, and 3B Nellie D. Mundy Survey No. 240 and a Portion of Tract 1A, Nellie D. Mundy Survey No. 241
STREET ADDRESS OR LOCATION: N/A NORTH OF ARTCRAFT W OF DESERT REP DISTRICT: 1
ACREAGE: 73.738 PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
PROPOSED ZONING: R-3A PROPOSED LAND USE: Single-Family Residential

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: X 240 999 0000 2000
LEGAL DESCRIPTION: Being a Portion of Tract 3A, Nellie D. Mundy Survey 240
STREET ADDRESS OR LOCATION: N/A REP DISTRICT: 1
ACREAGE: 6.204 PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
PROPOSED ZONING: C-3 PROPOSED LAND USE: All uses permitted for C-3 zoning

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X240999 0000 2000
LEGAL DESCRIPTION: Being a Portion of Tract 3A, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas
STREET ADDRESS OR LOCATION: N/A REP DISTRICT: 1
ACREAGE: 15.232 PRESENT ZONING: R-3 PRESENT LAND USE: Vacant
PROPOSED ZONING: A-2 PROPOSED LAND USE: Apartments

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: R. L. BOWLING III Signature: RLB III
Printed Name: R. L. BOWLING III Signature: RLB III
Printed Name: Signature: Bernard L. Bernenbeck

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

****OFFICE USE ONLY****
ZON 07-00150 RECEIVED DATE: 11/14/07 APPLICATION FEE: $ 1385.00
DCC REVIEW DATE: 12/19/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 01/17/08 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Revised 08/2004

1