

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 25, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:38 a.m. during Executive Session deliberations, and Eddie Holguin, Jr. at 9:00 a.m. Early departure: Eddie Holguin, Jr. at 2:15 p.m. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. HONORABLE MAYOR AND CITY COUNCIL OF OUR SISTER CITY OF CIUDAD JUAREZ**
- 2. PRESENTATION TO MAYOR, COUNCIL AND THE CITIZENS OF EL PASO - CERTIFICATE OF ACCREDITATION FROM AMERICAN ASSOCIATION OF ZOOLOGICAL PARKS AND AQUARIUMS (AZA)**

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. Ms. Betty Hoover
2. Mr. Richard Schecter
3. Ms. Lisa Turner
4. Ms. Esther Perez
5. Mr. Ray Gilbert

Mayor Cook and Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert an additional minute to address the Council.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 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 item listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Motion made by Mayor Pro Tempore Byrd seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:00 a.m. and **RECONVENE** the meeting of the City Council, during which time a motion was made.

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EX1. Workers' Compensation subrogation interest regarding Martin Cervantes.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the Office of the City Attorney **NOT PURSUE** recovery of the City's workers' compensation subrogation interest regarding Martin Cervantes.

AYES: Representatives Lilly, Byrd, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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EX2.

*Motion made, seconded, and unanimously carried to **DELETE** the item on Workers' Compensation subrogation interest regarding Raul Alexander Porras.

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EX3. W. Wellfield Company vs. City of El Paso, Texas, et. al.; Cause No. 2007-3980.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's office be authorized to **TAKE ANY AND ALL ACTION** to protect the City's interest and position, both affirmative and defensive, as necessary to resolve any claims and lawsuits asserted against the City in Cause No. 2007-3980, W. Well Field vs. Alan Shubert, in his capacity as Director of Developmental Services Department of the City El Paso, Texas, City Plan Commission for the City of El Paso, Texas, and the City of El Paso, Texas, and that the terms of the Rule 11 Agreement dated March 25, 2008, reflecting the settlement terms of Cause No. 2007-3980, W. Well Field vs. Alan Shubert, et al (including the execution of the Special Warranty Deed conveying Lot 2, Block 2, W. Well Field Subdivision Unit Two to the City of El Paso and the Drainage Easement) are approved, and that the City Attorney's office be authorized to negotiate a settlement and the City Attorney or the City Manager is authorized to sign all necessary documents to resolve all claims of W. Well Field Company asserted in Cause No. 2007-3980, W. Well Field Company vs. Alan Shubert, et al. This Motion is intended to grant broad authority to the Office of the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of

and response to, litigation, complaints and any other administrative or judicial process, including but not limited to, entry into a settlement agreement resolving any disputes, in consultation with the City Manager.

AYES: Representatives Lilly, Byrd, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, 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, Castro, Quintana, Holguin, 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 March 18, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

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

WHEREAS, the City of El Paso and Ham Management, LLC, hereinafter referred to as the Buyer, entered into contract of sale for property located within the City of El Paso, such contract dated October 24, 2006 and subsequently amended on December 19, 2006; and,

WHEREAS, the contract requires the Buyer to make street improvements to Bartlett Drive by extending Bartlett Drive and to complete such improvements within two (2) years after closing of the sale of the property, otherwise, the property would revert back to the City; and,

WHEREAS, the improvements to Bartlett Drive are to be completed by December 19, 2008, however, the contract allows the Buyer to request a two year extension to complete the improvements provided that such extension is submitted sixty days prior to the expiration of the initial two years and includes a detailed explanation of the delays and justification for the extension; and,

WHEREAS, the buyer has submitted a request for an extension and has provided a detailed explanation of delays and justification for an extension (Exhibit B); and,

WHEREAS, the contract requires City Council to consider such request,

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

That the City extends the time period for the construction of improvements to Bartlett Drive required under a contract of sale between the City of El Paso and Ham Management, LLC, dated October 24,

2006 and amended on December 19, 2006 so that the improvements shall be completed by December 19, 2010.

Mayor Cook and Representatives Lilly and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Phillip Etiwe, Development Review Manager
- 3. Mr. Alan Shubert, Director of Engineering

Mr. Richard Schecter, citizen, commented.

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3B.

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

WHEREAS, in accordance with Chapter 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 20th day of December, 2006, after due notice and hearing, issued an order to Martin Sweed, record Owner of the hereinafter described property that the primary building and accessory structures be demolished within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty days, and the Owner and any mortgagee or lienholder having failed after due notice to comply with such Order, the Street Department of the City of El Paso has been ordered to proceed to demolish the primary and accessory structures 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 primary and accessory structures and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 3 and 4, Block 74, Supplemental Map No. 1 of East El Paso, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1, Page 51, Plat records of the City of El Paso, El Paso County, Texas, more particularly described as 3505 Wyoming Avenue, El Paso, Texas,

to be \$17,784.45, performed by the Street Department of the City of El Paso, and \$1,354.38, performed by the City Clerk's Office and Development Services Department, making a total of \$19,138.83. The City Council finds that the work was completed on the 30th day of August, 2007, 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 \$19,138.83 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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3C.

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

That the City Manager be authorized to sign and accept a storm sewer line Easement from the El Paso Electric Company, through the following described property in the County of El Paso, Texas:

A portion of Lot 30, Block 4, Thorn Ridge Subdivision in the City and County of El Paso, Texas; the Easement being depicted on the attached Exhibit "A" which is incorporated herein by this reference and made a part hereof for all purposes.

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3D.

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

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Sylvia Valdez for the purchase of

Lot 14, excepting the south two feet and the north one foot thereof, Block 47, Campbell Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 2, Page 68, Real Property Records, El Paso County, Texas, commonly known as 1006 S. Mesa Street, El Paso, Texas

to be used for the Stanton Street Toll Plaza Project.

Representatives Quintana and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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3E.

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

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

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

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

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

667 Jeanny Marie, more particularly described as Lot 30 (13499.89 sq ft), Block 8, River Run #2 Subdivision, El Paso, El Paso County, Texas, Parcel #R577-999-0080-3000

to be \$225.70, 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 \$249.70. The City Council finds that the work was completed on the 6th day of August, 2007, 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 \$249.70 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

8316 Mercury St., more particularly described as, Lot 6 Exc S 45 Ft, Sunrise Acres #1
Subdivision, El Paso, El Paso County, Texas, Parcel #S912-999-001A-4900

to be \$753.42, 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 \$777.42. The City Council finds that the work was completed on the 29th and 31st days of August and the 4th day of September, 2007, 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 \$777.42 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

2732 Morehead, more particularly described as Lots 20 & 21, Block 22, Military Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M43699902205700

to be \$296.61, 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 \$320.61. The City Council finds that the work was completed on the 16th day of October, 2007, 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 \$320.61 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

7760 Adobe, more particularly described as Tract 1-F-1-C (0.143 acre), Tract 1-F-1-K (0.103 acre) (0.246 acre), Block 5, Ascarate Subdivision, El Paso, El Paso County, Texas, Parcel #A765-999-005E-0124

to be \$447.07, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$471.07. The City Council finds that the work was completed on the 8th day of October, 2007, 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 \$471.07 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

119 Chelsea Street, more particularly described as Tract 32 (0.14 acre), Block E, Bennett Surv 11 Subdivision, El Paso, El Paso County, Texas, Parcel #X011-999-000C-0500

to be \$509.86, 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 \$533.86. The City Council finds that the work was completed on the 25th day of June, 2007, 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 \$533.86 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Tropicana Homes, 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 Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3710 Lee, more particularly described as Lot 1 (11.2740 acres), Block 1, Las Palmas Unit 4 Subdivision, El Paso, El Paso County, Texas, Parcel #L203-999-0010-01A0

to be \$10,526.23, 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 \$10,550.23. The City Council finds that the work was completed on the 23rd and 24th days of August, 2007, 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 \$10,550.23 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

1428 Adolph Carson, more particularly described as Lot 27 (5985.00 sq ft),
Block 527, Vista Del Sol #124 Subdivision, El Paso, El Paso County, Texas,
Parcel #V893-999-5270-2700

to be \$128.82, 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 \$152.82. The City Council finds that the work was completed on the 11th day of October, 2007, 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 \$152.82 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

9277 Leonardo, more particularly described as Tract 87 (0.23 acre),
North Valumbrosa #2 Subdivision, El Paso, El Paso County, Texas,
Parcel #N525-999-0010-0800

to be \$136.40, 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 \$160.40. The City Council finds that the work was completed on the 11th day of September, 2007, 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 \$160.40 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

Tract 2-D (2.284 acres), U. S. Government Parcel #10
Subdivision, El Paso, El Paso County, Texas, Parcel #U310-999-
0010-2700

to be \$738.27, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$762.27. The City Council finds that the work was completed on the 11th and 12th days of September, 2007, 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 \$762.27 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 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**

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

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

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

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

141 Keeney, more particularly described as Lot 12 (5943.77 sq ft), Block A, Patterson Subdivision, El Paso, El Paso County, Texas, Parcel #P609-999-000A-1200

to be \$158.59, 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 \$182.59. The City Council finds that the work was completed on the 25th day of September, 2007, 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 \$182.59 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Raymond E. & Maria 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 Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

334 McCune Rd., more particularly described as, Tract 8-A (2.431 acres), Block 29, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-0290-0801

to be \$720.95, 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 \$744.95. The City Council finds that the work was completed on the 10th day of September, 2007, 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 \$744.95 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

319 Milton, more particularly described as Lot 29 (0.468 acre), Block 1, North Loop Gardens #2 Subdivision, El Paso, El Paso County, Texas, Parcel #N446-999-0010-7900

to be \$499.03, 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 \$523.03. The City Council finds that the work was completed on the 11th day of October, 2007, 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 \$523.03 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

8102 Tigua Circle, more particularly described as Lot 2 (6000 sq ft), Block 3, Tigua Place Subdivision, El Paso, El Paso County, Texas, Parcel #T374-999-0030-0500

to be \$312.30, 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 \$336.30. The City Council finds that the work was completed on the 9th day of August, 2007, 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 \$336.30 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Jesse & 2 Valles and Rebecca V. Ayon, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3318 Alameda, more particularly described as W 17 ft of Lot 23 & E 17 ft of Lot 24 (4760 sq ft), Block 12, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-0120-3100

to be \$203.51, 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 \$227.51. The City Council finds that the work was completed on the 8th day of October, 2007, 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 \$227.51 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

3615 Hueco, more particularly described as Lots 7 & 8 (7000 sq ft), Block 117, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-1170-1600

to be \$204.59, 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 \$228.59. The City Council finds that the work was completed on the 18th day of September, 2007, 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 \$228.59 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

1217 Main Dr., more particularly described as N pt of Lot 20 & E 5 ft of Lot 19 (37.29 ft on S., 84.3 ft on W, 23.93 ft on N, 76.2 ft on E), Block 13, Mundy Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M946-999-0130-8100

to be \$99.59, 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 \$123.59. The City Council finds that the work was completed on the 14th day of September, 2007, 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 \$123.59 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

905 Magoffin Avenue, more particularly described as Lots 3 & 4 (6240 sq ft), Block 214, Campbell Subdivision, El Paso, El Paso County, Texas, Parcel #C050-999-2140-1700

to be \$176.45, 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 \$200.45. The City Council finds that the work was completed on the 24th day of August, 2007, 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 \$200.45 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

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

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

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

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

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

Lots 1 to 4 (12000 sq ft), Block 15, Sunset Heights Subdivision, City of El Paso,
El Paso County, Texas, Parcel #S979-999-0150-0100.

to be \$205.68, 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 \$229.68. The City Council finds that the work was completed on the 11th day of October, 2007, 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 \$229.68 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing 10% interest per annum.

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

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

Representative Quintana commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Ellen Smyth, Director of Environmental Services
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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3F.

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

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Victim Services Advocate is hereby created as specified in the duties and responsibilities attached hereto. The Code is 19380. The Grade is GS 54.

Mayor Cook and Representative Castro commented.

Ms. Linda Thomas, Director of Human Resources, commented.

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3G.

1ST MOTION

*Motion made, seconded and unanimously carried to **MOVE TO THE REGULAR AGENDA:**

2ND MOTION

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

R E S O L U T I O N

WHEREAS, There is a great need for a Branch Library in the Cielo Vista neighborhood as there has been no library branch there since July 2007; and

WHEREAS, The City Engineer and Mijares-Mora Architects evaluated, determined and recommended the site on Hawkins in Vista Del Valle Park between Darlina and Gazelle Streets; and

WHEREAS, City Council has approved \$2,774,564 for the construction of a new Cielo Vista Branch Library in the Cielo Vista Neighborhood; and

WHEREAS, The site proposed for the new Cielo Vista Branch Library is on Hawkins Boulevard, in Vista Del Valle Park between Darlina and Gazelle Streets; and

WHEREAS, The proposed site was approved overwhelmingly by the Cielo Vista Neighborhood Association on March 13, 2008;

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

That the City Manager be authorized to approve the recommended site for the new Cielo Vista Branch Library as was evaluated, determined and recommended by the City Engineer and Mijares-Mora Architects.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

NOT PRESENT FOR THE VOTE: Representative Quintana

Ms. Deborah Hamlyn, Deputy City Manager of Quality of Life Services, and Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representatives Ortega, Castro, and O’Rourke commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Nanette Smejkal, Director of Parks & Recreation
- 3. Ms. Mayela Mejia, Legislative Aide for District 3

The following members of the public commented:

- 1. Ms. Joyce Trujillo, Friends of the Cielo Vista Library
- 2. Mr. Jesse A. Sanchez. Cielo Vista Neighborhood Association
- 3. Mr. Mark Benitez, President of the Cielo Vista Neighborhood Association
- 4. Mr. Joseph Villescascas
- 5. Mr. Carlos Martinez, Past President of the Cielo Vista Neighborhood Association
- 6. Mr. James Ware
- 7. Ms. Yolanda Sims, Vice President of the Cielo Vista Neighborhood Association
- 8. Mr. John Burch
- 9. Ms. Johanna Barr
- 10. Mr. Troy Roberts
- 11. Mr. Luis Chaparro
- 12. Ms. Maria Perez
- 13. Ms. Patricia Martinez

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Michael Pleters to the Civil Service Commission by Representative Steve Ortega, District 7.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** John R. Schatzman, Jr. to the Construction Board of Appeals (Home Builder Category) by Representative Beto O’Rourke, District 8.

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5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** for two weeks the appointment of Norma I. Tena to the Empowerment Zone Advisory Board by Representative Eddie Holguin Jr., District 6.
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6. REQUEST FOR PROPOSAL:

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-107R (Comprehensive Airport Liability Insurance) to Wells Fargo Insurance Services of Texas (Illinois National Insurance Company) for a total estimated award of \$239,385.

Department: Aviation
Award to: Wells Fargo Insurance Services of Texas
(Illinois National Insurance Company)
El Paso, Texas
Items: All
Annual Estimated Amount: \$79,795
Account No.: 62620001 – 504402 – 40101
Funding Source: EPIA Enterprise Funds
Total Estimated Award: \$239,385 (3-year total)
District: 3

This is a three year contract based on a Request for Proposal (RFP). Annual premiums for years 2 and 3 will be contingent upon loss runs and any State mandated modifiers.

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated. The review committee, based on evaluation factors established for this procurement, recommend award to the highest ranked proposer as indicated.

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney’s Office to review, and that the City Manager execute any additional documents as necessary.

Representative Quintana commented.

Ms. Joyce Wilson, City Manger, and Mr. Terrence Freiburg, Director of Purchasing, commented.

7A. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-109 (Paint, Traffic and Airfield Marking, Type II Waterborne) to The Sherwin-Williams Company for a total estimated minimum award of \$400,462.

Department: Aviation
Award to: The Sherwin-Williams Company
Manchester, Georgia
Items: All
Annual Estimated Minimum Amount: \$200,231
Account No.: 62620003 – 503121 – 40101
Funding Source: EPIA Enterprise Funds
Total Estimated Minimum Award: \$400,462
District: 3

This is a twenty-four month requirements type contract for the purchase of paint for markings on airfield pavement.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division and Aviation recommend award to the lowest responsive, responsible bidder.

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7B. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2008-137 (Proprietary Parts & Service – John Deere) to Tom Growney Equipment, Inc., for a total estimated minimum award of \$210,000.

Department: General Services
Award to: Tom Growney Equipment, Inc.
El Paso, Texas
Items: All
Annual Estimated Minimum Amount: \$70,000
Account No.: 37370510 – 503121 – 45202
Funding Source: General Services Department, Fleet Division, Internal Service Fund
Total Estimated Minimum Award: \$210,000
Districts: All

This is a thirty-six month requirements type contract for Proprietary Parts & Services - John Deere.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award to the lowest responsive, responsible bidder.

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8A. – 8C. INTRODUCTIONS

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

8A. An Ordinance amending Title 19 (Subdivisions), Chapter 19.16 (Improvement Standards and Design Principles), Section 19.16.010 (General Design Principles), of the El Paso City Code by adding a section on Smart Growth General Design Principles. The penalty is as provided in Chapter 19.04 of the El Paso City Code.

Mayor Cook and Representative Lilly commented.

Ms. Joyce Wilson, City Manager, and Ms. Pat Adatao, Deputy City Manager of Development and Infrastructure Services, commented.

Mr. Ray Adatao, El Paso Association of Builders, commented.

PUBLIC HEARING WILL BE HELD ON APRIL 15, 2008, FOR ITEM 8A

8B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.10 (Residential Code) Section 18.10.310 (Appendix G, Swimming Pools, Spas, and Hot Tubs) of the El Paso City Code by adding barrier requirements for residential swimming pools, spas, and hot tubs and entrapment protection for residential swimming pool and spa suction outlets; providing for a one year period to bring existing swimming pools, spas and hot tubs into compliance; with penalties not to exceed \$2,000 per day per violation as provided in Section 18.02.107 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON APRIL 1, 2008, FOR ITEM 8B

8C. An Ordinance amending Title 20 (Zoning), Chapter 20.12 (Density and Dimensional Standards), of the El Paso City Code by adding a section on Smart Growth General Design Principles. The penalty is as provided in Chapter 20.24 of the El Paso City Code.

Mayor Cook and Representative Lilly commented.

Ms. Joyce Wilson, City Manager, and Ms. Pat Adatao, Deputy City Manager of Development and Infrastructure Services, commented.

Mr. Ray Adatao, El Paso Association of Builders, commented.

PUBLIC HEARING WILL BE HELD ON APRIL 15, 2008, FOR ITEM 8C

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9A. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd and unanimously carried to **AWARD** Solicitation No. 2008-010R (Growth Management Plan) to Science Application International Corp., Inc. for a total amount of \$846,545.57.

Department: Development Services
Award to: Science Application International Corp., Inc.
Wilmington, Delaware
Items: All
Account No.: 08150072 – 502115 – 07140 – G080801
Funding Source: Planning Dept. Grants - Management Consultant
Total Award: \$846,545.57
Districts: All

The Review Committee, based on evaluation factors established for this RFQ, recommends award to Science Application International Corporation, Inc. (SAIC), the top ranked firm. The Departments of Financial Services, Purchasing Division, and Development Services recommend award as indicated.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary (if required), and City Manager to sign said agreement.

Mayor Cook and Representatives Byrd and Castro commented.

Mr. Terrence Freiburg, Purchasing Manager, and Mr. Matthew McElroy, Military Expansion Coordinator for Development Services, commented.

Mr. Glenn Walker, Science Application International Corporation, Inc., commented.

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ITEMS TAKEN TOGETHER:

9B. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the request that the City Manager be authorized to sign the license, services and maintenance agreements and related documents with Accela, Inc. and the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Accela to upgrade and enhance the permitting, licensing and code enforcement software currently used by the City of El Paso. Accela, Inc. is the sole source for licensing, maintenance and service of Accela software products.

Department: Environmental Service
Account No.: 34010289 – 508010 – 40403
(\$233,438 Contingency Amount)
Funding Source: Data Processing Equipment
Financed Amount: \$3,985,756.60 (\$797,151.32 annually for 5 years)
Total Estimated Award: \$4,219,194.60 (5-year total)
\$2,084,776 (Maintenance years 6-10)
Sole Source No.: 2008-171

9C.

R E S O L U T I O N

WHEREAS, the City of El Paso ("City") currently uses government software provided by Accela, Inc. ("Accela") for permitting, licensing and code enforcement functions; and

WHEREAS, the City desires to upgrade the Accela software to enhance the City's ability to perform its permitting, licensing and code enforcement as well as increase citizen access for making payments, searching records and make service requests and allow the City to better track and manage its assets.

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

THAT the City Manager is authorized to sign the license, services and maintenance agreements and related documents with Accela, Inc. to manage and track the City's licensing, permit and code compliance and improve customer service.

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

Mayor Cook and Representative O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
 2. Mr. Said Larbi-Cherif, Assistant Director of Environmental Services
 3. Mr. Gerald Gordier, Chief Information Officer and Information Technology Director
 4. Mr. Alan Shubert, City Engineer
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10A. DEVELOPMENT SERVICES

ORDINANCE 16862

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 70, S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

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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ITEMS TAKEN TOGETHER:

10B. DEVELOPMENT SERVICES

ORDINANCE 16863

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 15A, CHAPARRAL PARK UNIT SEVEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O (APARTMENT/OFFICE) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

11.

R E S O L U T I O N

That the City Manager be authorized to sign a Construction and Use Agreement with Jack & Hersch Properties, LLC for the purpose of constructing a roadway bridge across an open drainage channel which is adjacent and parallel to the northerly edge of Escondido Drive, such roadway will be at a point approximately 456 feet from the intersection of Escondido and Los Robles Drive

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

Mr. Scott Winton, Winton Homes, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Richard Schechter, citizen, commented.

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

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

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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10C. DEVELOPMENT SERVICES

ORDINANCE 16864

The Alternate City Clerk read an Ordinance entitled: **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 A PORTION 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.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

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

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

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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10D. DEVELOPMENT SERVICES

ORDINANCE 16865

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOT 6, THE NORTH 20 FEET OF LOT 5, AND THE SOUTH 4 FEET OF LOT 7, BLOCK 56, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-3 (APARTMENT)**

TO A-O (APARTMENT/OFFICE). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Castro, O'Rourke, Byrd, and Ortega commented.

Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Robert Levy, citizen, commented.

Mr. David Adams, applicant, commented.

1ST MOTION

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

2ND MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Levy an additional five minutes to address Council.

3RD MOTION

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Levy an additional one minute to address Council.

4TH AND FINAL MOTION

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

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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12. ENGINEERING:

R E S O L U T I O N

That the City Council adopt the Neighborhood Traffic Management Program, a copy of which is attached as Exhibit A, as the policy concerning the management of traffic within neighborhoods and that the Engineering Department be authorized to implement the process and procedures for the approval, design, installation and maintenance of traffic calming measures under the general guidelines contained in Exhibit A.

Mr. Andrew Howard, Urban Planner for Kimberly Horn, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kimberly Forsyth, Engineering Senior Planner
3. Mr. Alan Shubert, City Engineer
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Rhonda Bartlema and Ms. Patricia Martinez, citizens, commented.

1ST MOTION

Motion made by Representative Ortega, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Martinez to address the Council after the sign-up period.

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

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13. PARKS AND RECREATION:

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Holguin, and carried to **POSTPONE** for one week the item for discussion and action to determine the site for the tournament-grade soccer complex and direct the City Manager to proceed with the development of design and improvements utilizing \$4,499,001 from the 2000 Quality of Life general obligation bonds.

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

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.

AYES: Representatives Byrd, Castro, Quintana, Holguin, and O'Rourke

NAYS: Representatives Lilly and Ortega

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14. CITY MANAGER

City Manager's report of current events and issues:

Transportation Projects Overview

- A) Project selection process through the Metropolitan Planning Organization
- B) City transportation projects programmed in the Transportation Improvement Plan
- C) Upcoming funding agreements on programmed transportation projects

Ms. Terry Quezada Capital Improvement Program Administrator, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Ortega, Byrd, and O'Rourke commented.

Ms. Patricia Aauto, Deputy City Manager for Development & Infrastructure Services, commented.

NO ACTION was taken on this item.

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Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to
ADJOURN this meeting at 3:05 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk