

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

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

The City Council met in regular session at the above place and date. Meeting was called to order at 8:30 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Beto O'Rourke at 8:33 a.m., Rachel Quintana at 8:34 a.m., and Ann Morgan Lilly at 8:40 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. ANTONIO ESCALANTE DAY**
- 2. TROPICANA HOMES NORTHEASTER PARADE DAY**

**RECOGNITIONS**

- 1. Chief's Award to Honor Liz Gonzalez - El Paso Police Department**
- 2. Office of Management and Budget receives the Distinguished Budget Presentation Award from the Government Finance Officer's Association**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following member of the public commented:

- 1. Ms. Lisa Turner**

Mayor Cook commented.

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:31 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE:   Representatives Lilly, Quintana, and O'Rourke

Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representatives Quintana and O'Rourke

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**EX1.**   Roseway Drive at the intersection of Zaragoza Road. (551.071 and 551.072)

Mayor Cook and Representatives Quintana, Holguin and Ortega commented.

The following City staff members commented:

- 1.     Mr. Alan Shubert, City Engineer
- 2.     Mr. Charlie McNabb, City Attorney, gave legal advice.

Ms. Risher Gilbert, Outside counsel for the City, commented.

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

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that the City is authorized to acquire the Parcels, and pay damages and other costs related to the Parcels and (2) if the City and D & L LAND PARTNERSHIP LP are unable to agree on the taking, the amount of the purchase price, the amount of any relocation payments or the amount of any damages resulting, the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary to address the acquisition of the interest of D & L LAND PARTNERSHIP LP for the expansion and improvement of portions of Roseway Drive, including but not limited to the initiation of and response to litigation, complaints and any other administrative or judicial proceeding or process including, through eminent domain.

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

NAYS: Representative Holguin

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

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **RECONSIDER** the item.

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

**Whereas**, the City of El Paso has a public need to purchase land for the expansion and improvement of portions of Roseway Drive, El Paso, Texas public right of way near Zaragoza Rd. for the public safety and welfare of the citizens of El Paso, (the "Project"), which Project is shown on the attached Exhibit "A" and involves the real property described as follows (the "Parcels"):

A 4,300 square foot portion of Tract 12A, Block 46, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, according to the resurveyed of said YSLETA GRANT made by El Paso County Texas for tax purposes and being more particularly described by metes and bounds in Exhibit "B-1" attached hereto and made a part hereof for all purposes; and

A 2,570 square foot portion of Tract 12T, Block 46, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, according to the resurveyed of said YSLETA GRANT made by El Paso County Texas for tax purposes and being more particularly described by metes and bounds in Exhibit "B-2" attached hereto and made a part hereof for all purposes; and

**Whereas**, D & L LAND PARTNERSHIP LP owns the Parcels, which are required for the Project; and

**Whereas**, this public improvement Project is for public use and consistent with and in furtherance of the City's improvement plans as approved by the voters in the 2004 bond election and recommended by Engineering staff and if the Project is not completed the citizens of the City of El Paso will suffer the adverse consequences of inadequate roads, inadequate loading capacity and insufficient drainage and other public improvements; and

**Whereas**, City Council prefers to purchase the Parcels and pay for any damages related to the interest of D & L LAND PARTNERSHIP LP, but if such negotiations fail, City Council recognizes that a single parcel owner cannot be allowed to control, unreasonably delay or prohibit a public right of way expansion and or improvement project that is for the benefit of all of the citizens of El Paso.

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

Motion made by Representative Ortega, seconded by Representative Lilly and carried that:

(1) The City is authorized to acquire the Parcels, and pay damages and other costs related to the Parcels and (2) if the City and D & L LAND PARTNERSHIP LP are unable to agree on the taking, the amount of the purchase price, the amount of any relocation payments or the amount of any damages resulting, the City Attorney is authorized to take any and all action necessary, both affirmative and defensive, as necessary to address the acquisition of the interest of D & L LAND PARTNERSHIP LP for the expansion and improvement of portions of Roseway Drive, including but not limited to the initiation of and response to litigation, complaints and any other administrative or judicial proceeding or process including, through eminent domain.

**The City of El Paso finds:** (1) the existence of a public need to acquire the Parcels for the non-exclusive purposes of providing adequate roads and loading capacity for public use and adequate drainage; (2) the public improvement project for which the Parcels are required is for public use and consistent with and in furtherance of the City's improvement plans as recommended by City Engineering staff; (3) if the Project is not completed the City of El Paso will suffer the adverse consequences of inadequate roads, inadequate loading capacity and insufficient drainage and other public improvements; and (4) the location, nature and extent of the property acquisition is reasonable and necessary.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Ortega, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Holguin

Mr. Charlie McNabb, City Attorney, explained the motion in more detail.

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**EX2.** Anthony Jason McBride vs. City of El Paso; Cause No. S310-0035. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to **DENY** the claim of Anthony Jason McBride, our file #: 09-C-209.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and O'Rourke  
NAYS: Representative Quintana

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**CONSENT AGENDA**

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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 23, 2010.

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

**NO ACTION** was taken on this item.

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign the First Amendment to the La Placita Lease Agreement by and between the City of El Paso and ShoeSpring, Inc.<sup>TM</sup> d/b/a Spira<sup>TM</sup> for the purpose of extending the term to March 31, 2011.

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**3B.**

**\*RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of \$112,551.76 to Venegas Engineering Management and Construction, Inc. for the Westside Transit Terminal project to construct a new driver's lounge including break room area and dual restrooms for both men and women, adding 42 days of contract time [change order number 12] for Contract Number 2009-079. The new contract sum, including change order 12, is \$1,961,906.80.

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**3C.**

**\*RESOLUTION**

That the City Council approves the expenditure of additional available funding in the amount of \$71,849 to Arrow Building Corporation for additional construction costs of the Glory Road Transit Terminal. Change Order 7 provides for labor, materials, and equipment to construct a new office space for future facilities manager which will be housed at the terminal including new office space, restroom, heating, and cooling, adding no days of contract time [change order number 7] for Contract Number 2009-145. The new contract sum, including change order 7, is \$9,214,220.26.

.....  
**3D.**

**\*RESOLUTION**

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

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

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

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

5012 Meade Court, more particularly described as Lot(s) 920 (6324 Sq Ft),  
Block 35, Mountain View Subdivision, El Paso, El Paso County, Texas, Parcel  
#M851-999-0350-3100

to be \$138.14, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY TWO AND 14/100 DOLLARS (\$162.14). The City Council finds that the work was completed on the 22nd day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTY TWO AND 14/100 DOLLARS (\$162.14) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

5622 Frutas Avenue, more particularly described as Lot(s) 35 (3000 Sq Ft),  
Block 8, Brentwood Heights Subdivision, El Paso, El Paso County, Texas,  
Parcel #B724-999-0080-8100

to be \$145.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY NINE AND 06/100 DOLLARS (\$169.06). The City Council finds that the work was completed on the 22nd day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SIXTY NINE AND 06/100 DOLLARS (\$169.06) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

6448 Navajo Avenue, more particularly described as Lot(s) 112, Block 6,  
Valley View Heights Subdivision, El Paso, El Paso County, Texas, Parcel  
#V342-999-0060-3700

to be \$208.27, 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 TWO HUNDRED THIRTY TWO AND 27/100 DOLLARS (\$232.27). The City Council finds that the work was completed on the 29th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount TWO HUNDRED THIRTY TWO AND 27/100 DOLLARS (\$232.27) 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 ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

7508 North Loop Drive, more particularly described as Lot(s) 2 (Exc Nely Pt) (4750 Sq Ft), Block 8, Rosedale Farms #3 Subdivision, El Paso, El Paso County, Texas, Parcel #R749-999-0080-1200

to be \$108.25, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED THIRTY TWO AND 25/100 DOLLARS (\$132.25). The City Council finds that the work was completed on the 17th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY TWO AND 25/100 DOLLARS (\$132.25) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

5712 Lexington Road, more particularly described as Lot(s) 7 (7317 Sq Ft),  
Block 40, Tobin Park Subdivision, El Paso, El Paso County, Texas, Parcel  
#T527-999-0400-1900

to be \$85.28, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINE AND 28/100 DOLLARS (\$109.28). The City Council finds that the work was completed on the 26th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED NINE AND 28/100 DOLLARS (\$109.28) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LEONOR C. ARENAS, 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:

Lot(s) 96 (6000 SQ FT), Block 3, Alexander to Ysleta Subdivision,  
City of El Paso, El Paso County, Texas, Parcel #A475-999-0030-  
9600

to be \$156.79, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY AND 79/100 DOLLARS (\$180.79). The City Council finds that the work was completed on the 20th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY AND 79/100 DOLLARS (\$180.79) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso City Code, entitled Abatement, FRANCISCO H. & 1 PORTILLO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

11823 Priscilla Circle, more particularly described as Lot(s) 32 (5000.00 Sq Ft),  
Block 359, Vista Del Sol #78 Subdivision, El Paso, El Paso County, Texas,  
Parcel #V893-999-3590-3200

to be \$153.44, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY SEVEN AND 44/100 DOLLARS (\$177.44). The City Council finds that the work was completed on the 7th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY SEVEN AND 44/100 DOLLARS (\$177.44) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

146 Borunda Lane, more particularly described as Lot(s) 32-D (0.46 AC) & 32-A (0.46 AC) & 32-C (0.63 AC) (1.55 AC), Block 37, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-0370-3217

to be \$363.05, 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 THREE HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$387.05). The City Council finds that the work was completed on the 14<sup>th</sup> & 16th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount THREE HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$387.05) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

312 N Carolina Drive, more particularly described as Lot(s) 33 EXC E 3 Ft EXC N 10 Ft (0.786 AC), Rosedale Farms #4 Subdivision, El Paso, El Paso County, Texas, Parcel #R754-999-0010-7500

to be \$125.22, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FORTY NINE AND 22/100 DOLLARS (\$149.22). The City Council finds that the work was completed on the 21st day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY NINE AND 22/100 DOLLARS (\$149.22) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

113 Landon, more particularly described as Lot(s) 11 & WLY PT OF LOT 10 (6.04' ON ST - 98.37' ON WLY - 6.96' ON NLY - 95.53' ON ELY) (6051.24 SQ FT), Block B, Patterson Subdivision, El Paso, El Paso County, Texas, Parcel #P609-999-000B-7900

to be \$162.27, 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 ONE HUNDRED EIGHTY SIX AND 27/100 DOLLARS (\$186.27). The City Council finds that the work was completed on the 26<sup>th</sup> & 30<sup>th</sup> day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED EIGHTY SIX AND 27/100 DOLLARS (\$186.27) 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 ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOSE & 2 ROSALES, 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:

907 Hills Street, more particularly described as Lot(s) 7, Block 36, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-999-0360-2900

to be \$173.07, 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 ONE HUNDRED NINETY SEVEN AND 07/100 DOLLARS (\$197.07). The City Council finds that the work was completed on the 22nd day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY SEVEN AND 07/100 DOLLARS (\$197.07) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

1200 N Ochoa Street - 1208, more particularly described as Lot(s) 16 to 20 & S 1.667 Ft of Lot 15 (16470 Sq Ft), Block 16, Alexander Subdivision, El Paso, El Paso County, Texas, Parcel #A462-999-0160-6100

to be \$130.77, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY FOUR AND 77/100 DOLLARS (\$154.77). The City Council finds that the work was completed on the 7th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY FOUR AND 77/100 DOLLARS (\$154.77) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso City Code, entitled Abatement, MARIA T. VILLALOBOS, referred to as owner, regardless of number, of the hereinafter described property,

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

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

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

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

3027 Rivera Avenue, more particularly described as Lot(s) 14, Block 2, East  
El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-  
0020-3100

to be \$568.71, 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 FIVE HUNDRED NINETY TWO AND 71/100 DOLLARS (\$592.71). The City Council finds that the work was completed on the 28th day(s) of September, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount FIVE HUNDRED NINETY TWO AND 71/100 DOLLARS (\$592.71) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

1331 Wyoming Avenue, more particularly described as Lot(s) 31 & 32 & E 20 Ft of  
Lot 30 (8400 Sq Ft), Block 25, Franklin Heights Subdivision, El Paso, El Paso County,  
Texas, Parcel #F607-999-0250-9100

to be \$174.26, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE

HUNDRED NINETY EIGHT AND 26/100 DOLLARS (\$198.26). The City Council finds that the work was completed on the 28th day(s) of October, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY EIGHT AND 26/100 DOLLARS (\$198.26) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....  
**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Nicholas Perry Houser to the El Paso Museum of Archaeology by Representative Ann Morgan Lilly, District 1.

.....  
**5. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Gerald Smola to the Committee on Border Relations by Representative Carl Robinson, District 4.

.....  
**6A. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE AS REVISED** the Purchasing Manager of the Financial Services, Purchasing Division, to issue purchase order(s) to Environmental Tectonics Corporation, as they are the sole source provider of the Advanced Disaster Management Simulator Team Training System. Total estimated amount is \$324,700.

Department: Aviation  
Funding Source: Airport Improvement Project Grant Funds, Safety Equipment 2009  
Total Estimated Award: \$324,700  
Sole Source No.: 2010-132

Additionally, it is requested that the City Attorney's office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

.....  
**6B. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of the Financial Services, Purchasing Division, to exercise the City's option to extend the current Contract 2008-120 Runway Rubber Removal and Friction Measurement Services with Unicen Industries for 24 additional months, pursuant to the provisions to the award approved by City Council on April 29, 2008. Contract period is April 29, 2010, to April 29, 2012.

Department: Aviation  
Option: One [of one]  
Funding Source: EPIA Enterprise Fund  
Total Estimated Amount: \$71,760 (2 years)

**6C. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a purchase order to Ingram User Interface, LLC, under a State Department of Information Resources (DIR) Contract #DIR-SDD-568 (Motion Computing, Inc. Products and Related Services), for field computers for inspection divisions in various departments. The participation by the City of El Paso in the Department of Information Resources Cooperative Program was approved by Mayor and City Council on February 27, 2007.

Department: Environmental Services  
Funding Source: Environmental Services Operating Account –  
Data Processing Equipment  
Total Est. Amount: \$367,035.28  
Reference No.: 2010-134

Representative Acosta commented.

Ms. Ellen Smyth, Director of Environmental Services, commented.

.....  
**6D. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to issue a purchase order Professional Document Systems, the sole source for support and maintenance of document imaging and scanning software used by Police, Developmental Services, Municipal Court, Municipal Clerk, Financial and Environmental Services Departments, in the total estimated annual amount of \$67,520. Additionally, it is requested that the City Attorney’s Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

Department: Information Technology  
Funding Source: FY10 General Fund  
Total Estimated Amount: \$67,520.00  
Reference No.; 2010-188

.....  
**7A1.**

**\*RESOLUTION**

**WHEREAS**, the City awarded Contract No. 2007-168 to Rush Truck Centers of Texas L.P. DBA Rush Truck Center, El Paso, of El Paso, Texas, on June 19, 2007, for Peterbilt Proprietary Parts & Service for General Services Department, Fleet Division; and

**WHEREAS**, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminate said Contract for convenience pursuant to the provisions of the Contract; and

**WHEREAS**, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

**WHEREAS**, the City desires to terminate the Contract for convenience.

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

That the Purchasing Manager is authorized to notify Rush Truck Centers of Texas L.P. DBA Rush Truck Center, El Paso, that the City is terminating Contract No. 2007-168 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of March 30, 2010.

.....  
**7A2. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-063 (Peterbilt Proprietary Parts) to Rush Truck Centers of Texas L. P. D/B/A Rush Truck Center, El Paso for a total estimated award of \$198,000.

Department: General Services – Fleet Division  
Award to: Rush Truck Centers of Texas L. P. D/B/A Rush Truck Center, El Paso, TX  
Items: All items: Part A, Item 1  
Option: 2 years  
Annual Estimated Amount: \$66,000  
Funding Source: Internal Service Fund  
Total Estimated Award: \$198,000 (3 years)

This is a 36-month requirements type contract.

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, Fleet Division, recommend award to the sole bidder as indicated.

.....  
**7B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-145 (Light Fixtures for Fixed Base Operator Aircraft Parking Apron) to Consolidated Electrical Distributors for a total award of \$69,801.75.

Department: Aviation  
Award to: Consolidated Electrical Distributors, El Paso, TX  
Items: All  
Option: 100% of the original contract quantities, at the same unit price, if exercised within 90 days from the date of award.  
Funding Source: Airport Operating Funds  
Total Award: \$69,801.75

This is a fixed-price, single (one-time) purchase.

The Departments of Financial Services, Purchasing Division, and Aviation recommend award as indicated to the lowest responsive, responsible bidder. Financial Services, Purchasing Division and Aviation recommend that D & H Pump Services, Inc. be deemed a non-responsive and non-responsible bidder.

.....  
**7C. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2010-058 for the EPIA Baggage Make-Up Canopy to Blair-Hall Company, Inc. for a total estimated amount of \$83,953.

Award to: Blair-Hall Company, Inc.  
Base Bid I: \$83,953  
Funding Source: Airport Enterprise Fund

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

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The El Paso International Airport and Engineering Department recommend award to the offeror who submitted the highest ranked proposal.

.....  
**7D. BID**

\*Motion made, seconded, and unanimously carried to **DELETE** the award of Solicitation No. 2010-127 for the Hueco Mountain Park Improvements to Martinez Bros. Contractors, LLC, for a total estimated amount of \$139,740.

Award to: Martinez Bros. Contractors, LLC.  
Base Bid: \$126,270  
Option #1: \$7,980  
Option #2: \$5,490  
Funding Source: 2008 Reprogramming – Park Proportionality

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

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

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

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

.....  
**8A. – 8B. INTRODUCTIONS**

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

**8A.** An Ordinance amending Ordinance No. 010873, Ordinance No. 12476, and Ordinance No. 14981 to approve the use of the User Agreements and User/Distribution Site Operator Agreements for Foreign Trade Zone No. 68 and to authorize the City Manager to execute these types of agreements on behalf of the City of El Paso.

**PUBLIC HEARING WILL BE HELD ON APRIL 6, 2010, FOR ITEM 8A**

**8B.** An Ordinance changing the zoning of Tract 3A, Block 17, Ysleta Grant, City of El Paso, El Paso County, Texas, from A-2 (Apartment) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON APRIL 20, 2010, FOR ITEM 8B**

**9. ENGINEERING**

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2010-117 for the Oregon Street Rehabilitation to C.F. Jordan Construction LLC., for a total estimated amount of \$5,557,431.

Award to:	C.F. Jordan Construction LLC
Base Bid:	\$5,517,786
Part A	\$2,457,950
Part B	\$1,547,693
Part C	\$ 827,489
Part D	\$ 337,071
Part E	\$ 347,583
Option 1;	\$ 39,645
Funding Source:	Surface Transportation Program (STP) Federal Funds; 2006 Certificates of Obligation; El Paso Water Utility (PSB); American Recovery and Reinvestment Act (ARRA); Federal Transit Administration (FTA) Grant No. TX 90- X783-00 & TX70-X003-00

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

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

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

This is a low bid, unit-price contract. The Engineering Department recommends award as indicated to the lowest responsible bidder. The City Manager is authorized to execute any amendments to funding agreements.

Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Sam Rodriguez, Engineering Division Manager
3. Ms. Terry Quezada, Engineering Capital Improvement Program Administrator

.....  
 ITEMS TAKEN TOGETHER

**10A1.**

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

**WHEREAS**, the City awarded Contract No. 2007-251 to Alamo Industries, Inc. DBA Alamo Auto Supply, of El Paso, Texas, on October 16, 2007, for Emergency Lighting, Warning, and Communication Equipment and Installation for General Services Department, Fleet Division; and

**WHEREAS**, pursuant to Section C 18A of the Contract (Termination for Convenience), the City is authorized to terminate the Contract for convenience; and

**WHEREAS**, the amount of the Contract awarded has been exceeded and City has notified vendor that the City would rebid the contract and Council would terminate said Contract for convenience pursuant to the provisions of the Contract; and

**WHEREAS**, the City desires to terminate said Contract for convenience.

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

That the Purchasing Manager is authorized to notify Alamo Industries, Inc. DBA Alamo Auto Supply, that the City is terminating Contract No. 2007-251 pursuant to the provisions and requirements of Section C 18A of the Contract Clauses due to convenience and that the termination shall be effective as of March 30, 2010.

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

**10A2. FINANCIAL SERVICES**

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **AWARD** Solicitation No. 2010-011 (Emergency Lighting, Warning and Communication Mounting Equipment and Installation) to Alamo Industries, Inc. d/b/a Alamo Auto Supply for a total estimated amount of \$540,000.

Department:	General Services – Fleet Division
Award to:	Alamo Industries, Inc. d/b/a Alamo Auto Supply El Paso, TX
Items:	All items: Part A and Part B
Option:	2 years
Annual Estimated Amount:	\$180,000
Funding Source:	Internal Service Fund
Total Estimated Award:	\$540,000 (3 years)

This is a 36-month requirements type contract.

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, Fleet Division, recommend award as indicated to the lowest responsive, responsible bidder for parts which is the majority of the bid.

.....  
**10B. FINANCIAL SERVICES**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2010-158 (Paint, Traffic and Airfield Marking, Type II Waterborne) to Ennis Paint, Inc. for a total estimated amount of \$617,550.

Department: Aviation  
Award to: Ennis Paint, Inc.  
Ennis, TX  
Items: All  
Option: 1 year  
Annual Estimated Amount: \$205,850  
Funding Source: Airport Cost Centers  
Total Estimated Award: \$617,550

This is a thirty-six month requirements type contract.

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

.....  
**11A. PUBLIC HEARING – DEVELOPMENT SERVICES**

Motion made by Representative Quintana, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance changing the zoning of a portion of Lot 18, Block 30, Pebble Hills Unit Three, City of El Paso, El Paso County, Texas, from C - 1 (Commercial) to C - 3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

.....  
**11B. PUBLIC HEARING – DEVELOPMENT SERVICES**

Motion made by Representative Quintana, seconded by Representative Byrd, and unanimously carried to **POSTPONE** one week the Public Hearing on an Ordinance changing the zoning of Lots 11 to 18, Block 47, Campbell Addition, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager

2. Mr. Alan Shubert, City Engineer
3. Mr. Said Larbi-Cherif, Director of International Bridges
4. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
5. Mr. Charlie McNabb, City Attorney, gave legal advice.

.....  
**11C.**

**ORDINANCE 17299**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF LOT 1, BLOCK 300, VISTA DEL SOL UNIT 62, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM M-1 (LIGHT MANUFACTURING) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS; AND PARCEL 2: A PORTION OF LOT 1, BLOCK 300, VISTA DEL SOL UNIT 62, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM M-1 (LIGHT MANUFACTURING) TO A-3 (APARTMENT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Ortega commented.

Motion duly made by Representative Ortega, seconded by Representative Quintana, that the Ordinances be **ADOPTED WITH CONDITIONS**. 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
 NAYS: None

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

.....  
**11D.**

**ORDINANCE 17300**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING TO PUBLIC VEHICULAR TRAFFIC A PORTION OF RIVER BEND BETWEEN LITTLE LANE AND THE MONTOYA LATERAL, WITHIN LOS PASEOS REPLAT A SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative O'Rourke, seconded by Representative Byrd, that the Ordinances 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
 NAYS: None

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

.....  
**11E.**

**ORDINANCE 17301**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING TO VEHICULAR TRAFFIC A PORTION OF A 20.00 FOOT ALLEY WITHIN BLOCK 47, CAMPBELL ADDITION, AMENDING SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinances 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

.....  
**11F.**

**ORDINANCE 17302**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING TO VEHICULAR TRAFFIC A PORTION OF 8<sup>TH</sup> AVENUE BETWEEN STANTON STREET AND MESA STREET, WITHIN CAMPBELL ADDITION, AMENDING SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Mathew McElroy, Deputy Director of Planning, and Mr. Alan Shubert, City Engineer, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke and Byrd commented.

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

Mr. Martin Silva, owner, Silva's Supermarket, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinances be **ADOPTED AS AMENDED**. 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, Acosta, Robinson, Quintana, Holguin, Ortega, and O'Rourke  
NAYS: None

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

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**11G.**

**ORDINANCE 17303**

The City Clerk read an Ordinance entitled: **ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACTS 3 AND 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO A-O (APARTMENT/ OFFICE); AND, PARCEL 2A: A PORTION OF TRACT 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO C-2/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND, PARCEL 2B: A PORTION OF TRACTS 5 AND 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q/SC (QUARRY/SPECIAL CONTRACT) TO C-2/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND, PARCEL 3A: A PORTION OF TRACT 8, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM Q (QUARRY) TO C-4/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS; AND, PARCEL 3B: A PORTION OF TRACTS 5 AND 8 AND ALL OF TRACT 5A, SECTION 44, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS; BE CHANGED FROM Q/SC (QUARRY/SPECIAL CONTRACT) TO C-4/C (COMMERCIAL/CONDITION), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Quintana commented.

Motion duly made by Representative Quintana, 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 Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, 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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**12.**

**ORDINANCE 17304**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT BETWEEN THE CITY OF EL PASO AND EL PASO TENNIS AND SWIM CLUB FOR THE LEASE OF A PORTION OF ARROYO PARK TOTALING 9.212 ACRES, EL PASO, TEXAS, FOR A TERM OF TWENTY YEARS AND CANCELING THE LEASE AGREEMENT APPROVED BY ORDINANCE NO. 2872, 4559, 5826, 6868, AND 14092.**

Representative Quintana commented.

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

Mr. Geoffrey Wright, citizen, commented.

Motion duly made by Representative Ortega, 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 Ordinance which when so done resulted as follows:

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

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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**13.**

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

That the City Manager be authorized to sign a Professional Services Agreement by and between the City of El Paso and Murray, Montgomery and O'Donnell for outside counsel in connection with the City of El Paso's federal legislative program. The contract term will be from February 12, 2010 through and including August 31, 2011 with three (3) options to renew for an additional one (1) year each. Compensation for each year shall not exceed \$118,200.00.

Mayor Cook and Representatives Robinson, Quintana, Ortega and O'Rourke

Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPROVE** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, and Ortega  
NAYS: Representative O'Rourke

.....  
Motion made by Representative Byrd, seconded by Representative Robinson, and unanimously carried to **RECESS** the City Council Meeting at 10:53 a.m. in order to convene the Mass Transit Department Board Meeting.

.....  
Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council Meeting at 1:34 p.m.

NOT PRESENT: Representative Holguin  
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**14A. CITY MANAGER**

City Manager's report of current events and issues:

Discussion and action on the transportation project priorities in the City's Capital Improvement Program including:

Staff overview of the proposed transportation project priorities and the proposed transportation funding plans.

**NO ACTION** was taken on the item.

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**14B. CITY MANAGER**

City Manager’s report of current events and issues:

Discussion and action on the transportation project priorities in the City’s Capital Improvement Program including:

Resolution establishing the list of transit capital projects totaling approximately \$96,140,867 as the list in the City’s Capital Improvement Program – Transit Project Priorities for Fiscal Years 2011 through 2017 utilizing Certificates of Obligation and other funding mechanisms pursuant to the City’s Debt Management Policy, and subject to annual budgeting requirements; authorizing the City Manager to establish the funding sources for the transportation capital plan and make all necessary budget transfers at the appropriate times for execution of the transit capital projects; and directing that the City Manager pursue any state and federal funding that will reduce the City’s share of its participation costs to these transit capital projects.

**NO ACTION** was taken on the item.

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**14C.**

**RESOLUTION**

**WHEREAS**, the El Paso City Council reaffirmed its Debt Management Policy on October 27, 2009 which sets forth the parameters for issuing new debt for the City of El Paso; and

**WHEREAS**, the Debt Management Policy establishes the types of bonds that may be used to fund capital improvement projects at the lowest costs possible and states that Certificates of Obligation are an appropriate debt instrument for infrastructure-related capital projects (and non-quality of life projects) at a cumulative value of \$100 million or less; and

**WHEREAS**, the El Paso City Council considered a proposed seven-year capital program that included a list of proposed projects to be undertaken at a Strategic Visioning Session held on October 15, 2009; and

**WHEREAS**, the policy direction provided by the El Paso City Council was to develop a capital plan for projects pursuant to the approved Debt Management Policy, and specifically utilizing both funding mechanisms of Certificates of Obligation and General Obligation Bonds for the proposed projects; and

**WHEREAS**, the El Paso City Council further directed that issuances for proposed infrastructure-related projects and utilizing Certificates of Obligation be brought forward annually starting in 2010 and thereafter; and

**WHEREAS**, City staff has developed a proposed listing of infrastructure and transportation capital projects to be undertaken in ensuing Fiscal Years for which the City would need to issue long term debt; and

**WHEREAS**, the El Paso City Council approved a 2010 Capital Plan on February 23, 2010 that authorizes a \$40 million issuance using Certificates of Obligation for infrastructure-related capital projects; and

**WHEREAS**, the El Paso City Council has requested that City staff submit its recommendations for transportation project priorities that incorporate local participation costs for capital projects within the Transportation Improvement Program at the Metropolitan Planning Organization (MPO); and

**WHEREAS**, a proposed transportation capital plan is as enumerated in the "Transportation Funding Plan – COEP Project Priorities / MPO Transportation Improvement Program" for Fiscal Years 2011-2017; and

**WHEREAS**, the El Paso City Council asked that the City Manager bring further consideration of the transportation capital plan to the City Council for finalization and action.

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

1. **THAT** the El Paso City Council affirms that the transportation capital plan totaling approximately \$19,767,218, referenced as "Transportation Funding Plan – COEP Project Priorities / MPO Transportation Improvement Program" and attached hereto as Exhibit B, shall be the established list of capital projects for Fiscal Years 2011-2017 and Certificates of Obligation are initially identified as the funding source, subject to annual budgeting requirements;
2. **THAT** the City Manager, subject to annual budgeting requirements, be authorized to establish the funding sources for the transportation capital plan enumerated in the "Transportation Funding Plan – COEP Project Priorities / MPO Transportation Improvement Program" for Fiscal Years 2011-2017 and make all necessary budget transfers at the appropriate times for execution of the capital projects;
3. **THAT** the City Manager be authorized to submit documentation to and coordinate with the Metropolitan Planning Organization to modify short- and long-term planning documents to further implement the transportation capital plan; and
4. **THAT** the City Manager be directed to pursue any state and federal funding that will reduce the City's share of its participation costs to these capital projects.

Ms. Pat Adauto, Deputy City Manager of Development and Infrastructure, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Byrd, Acosta, and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Daryl Cole, Director of Streets

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **APPROVE AND ACCEPT STAFF RECOMMENDATIONS** on a Resolution establishing the list of transportation capital projects totaling approximately \$19,767,218 as the list in the City's Capital Improvement Program – COEP Project Priorities in the MPO Transportation Improvement Program for Fiscal Years 2011 through 2017 utilizing Certificates of Obligation and other funding mechanisms pursuant to the City's Debt Management Policy, and subject to annual budgeting requirements; authorizing the City Manager to establish the funding sources for the transportation capital plan and make all necessary budget transfers at the appropriate times for execution of the transportation capital projects; authorizing the City Manager to submit documentation to and coordinate with the Metropolitan Planning Organization to modify short and long-term planning documents to further implement the transportation capital plan; and directing

that the City Manager pursue any state and federal funding that will reduce the City's share of its participation costs to these transportation capital projects.

NOT PRESENT FOR THE VOTE: Representative Holguin

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Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 2:00 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk