

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, 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
APRIL 7, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:37 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Rachel Quintana, Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro at 8:38 a.m. during Executive Session deliberations, Emma Acosta at 8:40 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:45 a.m. during Executive Session deliberations, and Ann Morgan Lilly at 8:50 a.m. during Executive Session deliberations. Early departure: Eddie Holguin, Jr. at 2:11 p.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **CHILD ABUSE PREVENTION MONTH**
2. **YWCA CENTENNIAL CELEBRATION DAY**
3. **NATIONAL VOLUNTEER WEEK IN EL PASO**
4. **NATIONAL PUBLIC HEALTH WEEK**

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

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

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Salvador Gomez
2. Ms. Mary Ann Snider

Mayor Cook and Representative Holguin commented.

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Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:38 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, Acosta, Castro, and Holguin

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Castro, and unanimously carried to adjourn the Executive Session at 9:10 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. Claim of Joseph and Leasa Calvillo, Our File No. 08-C-266. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the item be **DELETED**.

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EX2. Rickey and Paula Bell vs. City of El Paso, et al., Cause No. EP-08-CV-0331-FM. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the City Attorney's Office be authorized to **REJECT** Plaintiffs' settlement demand in the lawsuit styled Rickey and Paula Bell vs. The City of El Paso, et al., Cause No.: EP-08-CV-0331-FM.

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

NAYS: None

ABSTAIN: Representative Lilly

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EX3. Discussion and action on the City lease of 10 Civic Center Plaza, El Paso, El Paso County, Texas. (551.071 and 551.072)

NO ACTION was taken on the item.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of March 31, 2009.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** one week a Resolution authorizing the City Manager to sign and accept from Joel L. Guzman and Manuela Guzman the following easements which are needed for the Bowen Drive Subsurface Storm Drainage System and Retention Pond Project: a) a Drainage Easement for a 0.0310 acre parcel of land, more or less, out of a portion of Tract 18-E, Block 29, Ysleta Grant, City of El Paso, El Paso County Texas; and; b) a Temporary Construction Easement within a portion of Tract 18-E, Block 29, Ysleta Grant, El Paso, El Paso County, Texas. Project #: PCP06FC0002D; Fund: 27263; Department: 99331117; Account: 508000.

3B.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ARQ TEK CONSTRUCTION I 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 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:

1051 Castillo, more particularly described as Lot(s) 26 (16958.92 SQ FT),
Block 5, Spanish Pines #3 Subdivision, El Paso, El Paso County, Texas,
Parcel #S559-999-0050-2600

to be \$232.74, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTY SIX AND 74/100 DOLLARS (\$256.74). The City Council finds that the work was completed on the 11th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY SIX AND 74/100 DOLLARS (\$256.74) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JUAN B. BARELA, 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:

1955 Happer Way, more particularly described as Lot(s) 23 & S 1/2 of Lot(s) 22 (4500 SQ FT), Block Y, Government Hill Subdivision, El Paso, El Paso County, Texas, Parcel #G569-999-000Y-8500

to be \$171.31, 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 FIVE AND 31/100 DOLLARS (\$195.31). The City Council finds that the work was completed on the 30th day(s) of September, 2008, 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 FIVE AND 31/100 DOLLARS (\$195.31) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOSE M. SERRANO, 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:

2606 Jefferson, more particularly described as Lot(s) 9 to 11, Block K, Military Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M436-999-000K-3400

to be \$287.95, 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 THREE HUNDRED ELEVEN AND 95/100 DOLLARS (\$311.95). The City Council finds that the work was completed on the 6th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED ELEVEN AND 95/100 DOLLARS (\$311.95) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GUNDA ROSE WIGHT, 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:

8301 Mount Baldy Drive, more particularly described as Lot(s) 436 (6875 SQ FT), Block 18, Mountain View Subdivision, El Paso, El Paso County, Texas, Parcel #M851-999-0180-8500

to be \$227.68, 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 TWO HUNDRED FIFTY ONE AND 68/100 DOLLARS (\$251.68). The City Council finds that the work was completed on the 19th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY ONE AND 68/100 DOLLARS (\$251.68) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ADELA T. ALVAREZ, 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:

3921 Pierce Avenue, more particularly described as Lot(s) 9 & 10 (5880 SQ FT), Block 108, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-1080-4900

to be \$188.64, 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 TWELVE AND 64/100 DOLLARS (\$212.64). The City Council finds that the work was completed on the 6th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWELVE AND 64/100 DOLLARS (\$212.64) 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, DAWN VILLALOBOS (LE), 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:

2930 Sacramento, more particularly described as Lot(s) 17 & E 8 Ft of Lot(s) 18 (3960 SQ FT), Block 1, Grandview Subdivision, El Paso, El Paso County, Texas, Parcel #G686-999-0010-4500

to be \$143.18, 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 SEVEN AND 18/100 DOLLARS (\$167.18). The City Council finds that the work was completed on the 10th day(s) of November, 2008, 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 SIXTY SEVEN AND 18/100 DOLLARS (\$167.18) 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, RONALD W. & ANGELA M. BOONE, 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) 44 & 45 (1.13771 AC), Block 102, Morningside Heights
Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-
1020-9100

to be \$65.58, 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 EIGHTY NINE AND 58/100 DOLLARS (\$89.58). The City Council finds that the work was completed on the 30th day(s) of October, 2008, 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 EIGHTY NINE AND 58/100 DOLLARS (\$89.58) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SANDRA FERNANDEZ, 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:

265 Collingsworth more particularly described as Tract 2-D (0.137 ACRE),
Collingsworth Surv 13 Subdivision, El Paso, El Paso County, Texas, Parcel
#X013-999-C000-7100

to be \$189.98, 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 THIRTEEN AND 98/100 DOLLARS (\$213.98). The City Council finds that the work was completed on the 22nd day(s) of October, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTEEN AND 98/100 DOLLARS (\$213.98) 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, VICENTE DIAZ, 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:

6323 Saint Lo Drive, more particularly described as Lot(s) 119 (5671 SQ FT),
Block 4, Normandy Subdivision, El Paso, El Paso County, Texas, Parcel
#N345-999-0040-5200

to be \$263.05, 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 TWO HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$287.05). The City Council finds that the work was completed on the 13th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$287.05) 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 Municipal Code, entitled Abatement, S. G. & JUAN R & 1 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:

6241 Tampa Avenue, more particularly described as Lot(s) 32 (6000 SQ FT),
Block 18, Womble Subdivision, El Paso, El Paso County, Texas, Parcel
#W813-999-0180-6300

to be \$195.37, 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 NINETEEN AND 37/100 DOLLARS (\$219.37). The City Council finds that the work was completed on the 21st day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED NINETEEN AND 37/100 DOLLARS (\$219.37) 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, PAUL F. & ISABEL CONAWAY, 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:

10309 Newport Street, more particularly described as Lot(s) 3, Block 18, Sun Valley Subdivision, El Paso, El Paso County, Texas, Parcel #S816-999-0180-0500

to be \$252.17, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SEVENTY SIX AND 17/100 DOLLARS (\$276.17). The City Council finds that the work was completed on the 6th day(s) of November, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTY SIX AND 17/100 DOLLARS (\$276.17) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARCO & NORMA MORALES, 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:

5040 Silver Sands, more particularly described as Lot(s) 14 (5522.00 SQ FT), Block 28, Pleasant Hills Unit 7 Replat A Subdivision, El Paso, El Paso County, Texas, Parcel #P863-999-0280-1400

to be \$163.67, 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 SEVEN AND 67/100 DOLLARS (\$187.67). The City Council finds that the work was completed on the 4th day(s) of November, 2008, 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 SEVEN AND 67/100 DOLLARS (\$187.67) 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, EDGAR MEZA, 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 12 (6000 SQ FT), Block 7, Sahara Subdivision, El Paso, El Paso County,
Texas, Parcel #S033-999-0070-5500

to be \$241.94, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY FIVE AND 94/100 DOLLARS (\$265.94). The City Council finds that the work was completed on the 10th day(s) of September, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SIXTY FIVE AND 94/100 DOLLARS (\$265.94) 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, PATRICIA URIAS, 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:

192 N. Zaragoza, more particularly described as Tract 13 (0.665 ACRE), Block 45, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-0450-1301

to be \$263.05, 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 TWO HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$287.05). The City Council finds that the work was completed on the 26th day(s) of September, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY SEVEN AND 05/100 DOLLARS (\$287.05) 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 Municipal Code, entitled Abatement, JESUS M. HUIZAR, 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:

9072 Geranium, more particularly described as Lot(s) 7 (6000 SQ FT), Block 1, Pecan Grove Subdivision, El Paso, El Paso County, Texas, Parcel #P656-999-0010-1300

to be \$241.78, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY FIVE AND 78/100 DOLLARS (\$265.78). The City Council finds that the work was completed on the 3rd day(s) of October, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SIXTY FIVE AND 78/100 DOLLARS (\$265.78) 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, VIANEY P. RAMIREZ, 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:

9403 Nottingham Drive, more particularly described as Lot(s) 19 (10975 SQ FT),
Block 10, Lancaster 32 Subdivision, El Paso, El Paso County, Texas, Parcel
#L201-999-0100-3700

to be \$127.74, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY ONE AND 74/100 DOLLARS (\$151.74). The City Council finds that the work was completed on the 4th day(s) of November, 2008, 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 FIFTY ONE AND 74/100 DOLLARS (\$151.74) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MANUEL & MARGARITA DIAZ, 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 22 (0.862 ACRE), Block O, A Danielson Sur 310 Abst 10026
Subdivision, El Paso, El Paso County, Texas, Parcel #X310-999-0000-
1860

to be \$349.65, 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 SEVENTY THREE AND 65/100 DOLLARS (\$373.65). The City Council finds that the work was completed on the 29th day(s) of October, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVENTY THREE AND 65/100 DOLLARS (\$373.65) 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.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Andre Ewing to the Ethics Review Commission by Representative Melina Castro, District 4.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Susan Davidoff to the Cultural Affairs Advisory Board by Representative Ann Morgan Lilly, District 1.

.....
4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Lester L. Parker to the Fair Housing Task Force by Representative Ann Morgan Lilly, District 1.
.....

5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the appointment of Luis H. De La Cruz to the City Plan Commission by Representative Emma Acosta, District 3.

5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Pete A. Ocegueda to the International Bridge Commission by Representative Steve Ortega, District 7.

5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Christopher Olivares to the International Bridge Commission by Representative Susie Byrd, District 2.

5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Genevieve S. Pendergras to the Complete Count Committee by Representative Beto O'Rourke, District 8.

5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **DELETE** the appointment of David P. Tokoph to the Committee on Border Relations by Representative Steve Ortega, District 7.

Representative Ortega commented.

5F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Buddy Ray York to the El Paso Mountain Committee by Representative Melina Castro, District 4.

5G. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Rodney Jackson, Sr. to the Art Museum Advisory Board by Representative Melina Castro, District 4.

6A. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Steve Ortega on March 26, 2009, in the amount of \$500 from Harold W. Hahn; in the amount of \$500 from Robert Ortega; in the amount of \$500 from the Eliot Shapleigh for Senate campaign; in the amount of \$500 from L. Frederick Francis; and on March 31, 2009, in the amount of \$500 from Noel R. Rosenbaum.

6B. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** the notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Representative Melina Castro on December 17, 2008, in the amount of \$500 from El Paso Association of Firefighters; in the amount of \$500 from Stanley Jobe; in

the amount of \$500 from Ricardo Marin; on February 27, 2009, in the amount of \$500 from El Paso Municipal Police Officers Association; on March 9, 2009, in the amount of \$500 from Jerry Rosenbaum; on March 23, 2009, in the amount of \$500 from Tina Sorenson; in the amount of \$500 from James P. Sorenson; in the amount of \$500 from Jorge Arroyo; in the amount of \$500 from Maria Arroyo and on March 25, 2009, in the amount of \$500 from Hain Shen HSU; in the amount of \$500 from Hector Hernandez; and in the amount of \$500 from Priscilla M. Hernandez.

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7. APPLICATIONS FOR TAX REFUND

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

- A. Hitachi Capital America Corp; in the amount of \$7,875.23 overpayment of 2008 taxes. (PID #0729-999-1066-1434).
- B. MCI Communications, Inc., in the amount of \$63,901.19 overpayment of 2008 taxes. (PID #A523-999-005A-0157).
- C. Chase Home Finance in the amount of \$3,565.76 overpayment of 2007 taxes. (PID #C340-999-1040-0700).
- D. Countrywide Tax Service Corporation in the amount of \$3,728.04 overpayment of 2008 taxes. (PID #D457-000-0160-2500).
- E. First American Real Estate Tax Service in the amount of \$3,333.81 overpayment of 2008 taxes. (PID #H770-000-0030-2300).
- F. Laura Morado Valerio in the amount of \$2,983.43 overpayment of 2008 taxes. (PID #H791-009-0010-0050).
- G. Wilfredo Maya in the amount of \$19,740.96 overpayment of 2008 taxes. (PID #M713-999-0000-2100).
- H. Capital One Bank N.A. in the amount of \$30,908.20 overpayment of 2008 taxes. (PID #M794-999-1290-5100).
- I. Wells Fargo Home Mortgage in the amount of \$12,518.53 overpayment of 2008 taxes (PID #S069-999-0020-1200).
- J. David C. & Barbara S. Brown in the amount of \$6,391.93 overpayment of 2008 taxes. (PID #S075-000-0110-05E0).
- K. CitiMortgage in the amount of \$8,770.77 overpayment of 2006 taxes. (PID #S804-999-0390-0100).
- L. Chase Home Finance in the amount of \$3,468.66 overpayment of 2007 taxes. (PID #T287-999-0390-0300).
- M. Crance Clemons in the amount of \$4,163.39 overpayment of 2008 taxes. (PID #T287-999-0430-0700).

- N. Gilbert L. Sanchez in the amount of \$10,317.29 overpayment of 2008 taxes. (PID #T287-999-1510-2300).
- O. Pacifica Homes, Inc. in the amount of \$8,900.83 overpayment of 2008 taxes. (PID #T287-999-1520-1000).
- P. Mauricio I. Dominguez - Macias in the amount of \$3,185.57 overpayment of 2008 taxes. (PID #T820-999-0010-0490).
- Q. Ronald Christopher Malooly in the amount of \$9,756.90 overpayment of 2008 taxes. (PID #U465-999-0010-3000).
- R. Rong Gui Zheng in the amount of \$3,943.87 overpayment of 2008 taxes. (PID #V893-999-4030-2200).
- S. Wells Fargo Home Mortgage in the amount of \$3,105.99 overpayment of 2008 taxes. (PID #W144-999-0090-1300).
- T. Richard C. Najera in the amount of \$2,834.54 overpayment of 2007 taxes. (PID #W145-999-0040-3500).
- U. Washington Mutual in the amount of \$3,950.87 overpayment of 2008 taxes. (PID #W145-999-0760-5100).
- V. Cumming Property Tax Service in the amount of \$5,157.25 overpayment of 2007 taxes. (PID #Y805-999-0180-0351).
- W. Robert P. Huston in the amount of \$4,742.07 overpayment of 2008 taxes. (PID #E222-999-1800-7300)

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8. COMPETITIVE SEALED PROPOSAL

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AUTHORIZE** the City to enter into negotiations with Byers Construction, Inc. who submitted the highest ranked proposal for the Cielo Vista Branch Library as per recommendations from the Engineering Department, Library Department, and the City’s design consultant. This project was bid as a Competitive Sealed Proposal and the statute allows contract negotiations regarding the scope and price of a project with the selected offeror.

NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

Department: Library
 Account No.: 99331117 – 508027 – 27263 – PCP08LI01
 31250204 – 508027 – 27503 – PCP08LI01
 Funding Source: 2006 Certificates of Obligation & Land Sale
 Proposal No.: 2009-100

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Quintana and Acosta commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

.....
9A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Lenco Armored Vehicles in the amount of \$259,830 under a GSA Contract GS-07F-0390M 1122 Program. The Lenco Armored Vehicle purchased will support the El Paso Police Department Hazardous Devices team (Bomb Squad) in chemical, biological, radiological, nuclear, explosive, and counter-drug missions.

Department: Police
Account No.: 22150024-508035-07185-G220810
Funding Source: Communications Equipment, UASI Invest Account, LETPP
Total Est. Award: \$259,830
Reference No.: 2009-184

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9B. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order(s) to Avaya, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-SDD-272, the City's current provider of the key, hybrid key, Definity PBX, and Communication Manager Phone Systems for maintenance support of these installed systems in the amount of \$102,000. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010352 – 502215 – 01101
Funding Source: Telecommunications, Outside Contracts, Operating Account
Total Est. Award: \$102,000
Reference No.: 2009-189

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9C. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Oracle Corporation in the amount of \$128,659.27. Oracle Corporation is the current provider of PeopleSoft ERP System that will include one one-time license cost of \$117,809.95 and \$10,849.32 cost for maintenance and support.

Department: Information Technology
Account No.: 39010351 – 502202 – 01101
Funding Source: Information Services, Data Process Service Contracts, Operating Account
Total Est. Award: \$128,659.27
Reference No.: 2009-193

10A. – 10C. INTRODUCTIONS

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

- 10A.** An Ordinance vacating a drainage easement varying in width from 45.41 feet to 48.71 feet, located within a portion of Lot 1, Block 1, Acacia Commercial Park, City of El Paso, El Paso County, Texas.
- 10B.** An Ordinance vacating a portion of Boston Avenue, located between Mesa Street and Oregon Street, in the Alexander Addition, City of El Paso, El Paso County, Texas.
- 10C.** An Ordinance granting a Special Privilege to Ascension Lutheran Church permitting the encroachment of a single directional sign onto a portion of public right-of-way at Ojo De Agua Drive. SPL09-00005

PUBLIC HEARING WILL BE HELD ON APRIL 14, 2009, FOR ITEMS 10A – 10C

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11A. FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-111 (St. Vrain Street and Drainage Improvements) to Quest Contracting, Inc. for a total estimated amount of \$693,849.46.

NOT PRESENT FOR THE VOTE: Representative Castro

Department:	Engineering
Award to:	Quest Contracting, Inc. El Paso, TX
Base Bid I:	\$525,638.46
Base Bid II:	\$105,751.00
Base Bid III:	\$ 62,460.00
Total Estimated. Award:	\$693,849.46
Account No.:	14200403 – 508027 – 29154 – PBE04ST138B
Funding Source:	2004 Bonds and Housing Authority City of El Paso (HACEP) Escrow Funds

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, including the appropriation and disbursement of escrow funds.

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

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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11B. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** one week the award of Solicitation No. 2009-123 (Upper Valley Drainage Improvements Phase IB) to Bain Enterprises, LLC d/b/a Bain Construction for a total estimated amount of \$1,417,632.63.

Department: Engineering
Award to: Bain Enterprises, LLC d/b/a Bain Construction
Horizon City, TX
Base Bid I: \$ 727,096.15
Base Bid II: \$ 317,536.48
Option 1: \$ 373,000.00
Total Estimated Award: \$1,417,632.63
Account No.: 14200500 – 508027 – 27264 – PSTM06 PW26-0B
Funding Source: Storm 2006

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 Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsible bidder

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, City Engineer, commented.

Mr. Edward Saab and Mr. Michael Ginnings, citizens, commented.
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12A.

ORDINANCE 17100

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 6A2, BLOCK 1, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-O (APARTMENT/OFFICE) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

AYES: Representatives Lilly, Byrd, Acosta, 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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12B.

ORDINANCE 17101

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 4, BLOCK 11, BEAUMONT ADDITION, 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.**

Representative Byrd commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Motion duly made by Mayor Pro Tempore Byrd, 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, 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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13. PUBLIC HEARING – MAYOR AND COUNCIL

An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics); to amend Sections 2.92.010 through 2.92.090 and Section 2.92.150; to add new definitions and standards of conduct, revise the duties and procedures of the Ethics Review Commission, revise the process for receiving and reporting gifts, create restrictions for officers and employees leaving City service, revise the complaint process, and create additional violations; the penalty being as provided in Sections 2.92.150 and 1.08.010 - 1.08.030 of the El Paso City Code.

Ms. Elaine Hengen, Senior City Attorney, presented a PowerPoint presentation (on file in the City Clerk's office) and gave legal advice.

Mayor Cook and Representatives Quintana, Ortega, Byrd, Holguin, Acosta, and Castro commented.

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

Mr. Gerry Mangrum, Chair of the Ethics Review Commission, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Castro, and unanimously carried to **POSTPONE** the item two weeks.

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14. (Item was taken with Addition to the Agenda 1A and 1B)

ORDINANCE 17102

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE FINAL PROJECT PLAN AND FINAL REINVESTMENT ZONE FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS; ADOPTING SAID AMENDMENTS AS REQUIRED BY SECTION 311.011(E) TEXAS TAX CODE; ALSO PROVIDING A SEVERABILITY CLAUSE.**

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representatives O’Rourke, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

Motion duly made by Representative O’Rourke, 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 Ordinance which when so done resulted as follows:

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

NAYS: Representative Holguin

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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15A.

ORDINANCE 17103

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS), OF THE EL PASO CITY CODE BY ADDING KERBEY AVENUE FROM OREGON STREET TO THE ALLEY EAST THEREOF, NORTH SIDE ONLY, AND FROM OREGON STREET TO A POINT 40 FEET EAST THEREOF, SOUTH SIDE ONLY AND**

FROM MESA STREET TO A POINT 17 FEET WEST THEREOF, SOUTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.

Representatives Quintana, O'Rourke, and Lilly commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Motion duly made by Representative O'Rourke, 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 Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke
NAYS: Representative Quintana
NOT PRESENT FOR THE VOTE: Representatives Castro and Holguin

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

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15B.

ORDINANCE 17104

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.32 (PEDESTRIANS), SECTION 12.32.070 (CROSSWALK ON PIEDRAS STREET AT GRANT AVENUE), OF THE EL PASO CITY CODE BY REPEALING SECTION 12.32.070 (CROSSWALK ON PIEDRAS STREET AT GRANT AVENUE). THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION - PENALTY) OF THE EL PASO CITY CODE.**

Representative Byrd commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

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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16.

ORDINANCE 17105

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A RENEWAL OF THE FRANCHISE FOR DOMINION AMBULANCE, LLC TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Representative Ortega commented.

Ms. Joyce Wilson, City Manager, and Fire Chief Michael Calderazzo 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 Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, 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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17. MAYOR AND COUNCIL

Discussion and action to instruct the City Manager to investigate and remediate the adverse effects to the health and safety of the residents of District 4 wherein the contractual designee of the City of El Paso for recycling, i.e. Friedman Recycling of El Paso, LLP, is allowing excess storage of materials that could, upon determination, be in violation of the Municipal Code at Title 9, Chapter 9.04, Article VII, 9.04.340, C, D, and E, and such matters are already incorporated into the existing contract with same vendor found at Article V, 5.9 of the contract.

Mr. David Friedman, Freidman Recycling of El Paso, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Castro, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, and Ms. Ellen Smyth, Director of Environmental Services, commented.

Ms. Mary Ann Snider, citizen, commented.

NO ACTION was taken on the item.

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18. DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** four weeks the item on an appeal by property owners of the Manhattan Heights Historic District regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC Case: HPC09-00005; 3200 Wheeling, El Paso, Texas, on February 2, 2009, to approve a Certificate of Appropriateness for the referenced property.

Representative Byrd commented.

Ms. Josette Flores, Assistant City Attorney, gave legal advice.

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19. EL PASO WATER UTILITIES

Discussion and action regarding the Phase Two Governance Practices Report of the Public Service Board prepared by Hector Gutierrez, Public Affairs Consulting.

Mr. Hector Gutierrez, Public Affairs Consulting, and Gilbert Moreno, Prestige Consulting, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Ms. Joyce Wilson, City Manager, commented.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **ADOPT** the recommendations and forward a favorable recommendation to the Public Service Board and encourage them to adopt their portion of the recommendations.

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

NAYS: Representatives Quintana and Holguin

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20.

RESOLUTION

WHEREAS, the El Paso Convention and Visitors Bureau is authorized to submit a bid to host the 2012 Texas Recreation and Park Society (TRAPS) Annual Institute in cooperation with the Texas Parks and Wildlife Department (TPW) and the Southwest Region of the National Recreation and Park Association (NRPA), and

WHEREAS, the City of El Paso, the El Paso Convention and Visitors Bureau, and the Parks and Recreation Department acknowledge the criteria and requirements specified in the site selection criteria for bid to host the Annual TRAPS Institute, and

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

1. That the City Council endorses the bid submission and is committed, through its Convention and Visitors Bureau and Parks and Recreation Department, to providing the necessary resources to perform all functions consistent with the bid to host the 2012 Texas Recreation and Park Society Annual Institute, in cooperation with the Texas Parks and Wildlife Department and Southwest Region of the National Recreation and Park Association.
2. This Resolution shall be and become effective immediately upon and after its adoption and approval.

Mayor Cook and Representatives Byrd and Quintana commented.

Mr. Bryan Crowe, Assistant General Manager of the El Paso Convention and Visitors Bureau, commented.

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

NOT PRESENT FOR THE VOTE: Representative Lilly

The City Council Meeting **RECESSED** at 1:36 p.m. and **RECONVENED** at 2:13 p.m.

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21. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on the Quarterly Financial Report: 2nd Quarter Financial Report for Fiscal Year 2009.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Acosta, Byrd, Quintana, O'Rourke, and Castro commented.

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

NO ACTION was taken on the item.

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ADDITION TO THE AGENDA

1A. (Item was taken with Item 14 and Addition to the Agenda 1B)

RESOLUTION

That subject to passage of the Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan related hereto, the City Manager be authorized to execute a Development Agreement by and between the City of El Paso and The El Paso Project, LLC ("Developer"), to provide an amount not to exceed \$28,000.00, as reimbursement for eligible project costs incurred in Developer's construction of public infrastructure improvements related to its First Avenue Lofts Project (Mixed-Use Residential) at 300 S. Florence, El Paso, Texas, to be paid out of the City's tax increment revenue fund for Tax Increment Reinvestment Zone Number 5, City of El Paso, Texas, subject to the terms and conditions provided in the Development Agreement.

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro
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ADDITION TO THE AGENDA

1B. (Item was taken with Item 14 and Addition to the Agenda 1A)

RESOLUTION

WHEREAS, by Ordinance Number 016528, adopted December 19, 2006, later amended by Ordinances Nos. 016803 and 016804 on December 18, 2007, the City created Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas (the "Zone") in accordance with the Tax Increment Financing Act (the "Act") for the purposes of development within the Redevelopment Districts in the Downtown 2015 Plan through the use of tax increment financing; and

WHEREAS, on February 12, 2009, the Board of Directors of the Zone approved the final Project Plan and final Reinvestment Zone Financing Plan providing for development and redevelopment of the Zone, which the El Paso City Council adopted as the final Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 017081, dated March 10, 2009, and which were subsequently amended by the Board and submitted to City Council to include the Commercial Façade Improvement Grant Program as an eligible project for tax increment financing funds with an initial funding allocation of \$32,000; and

WHEREAS, subject to City Council approval of the amendment to the final Project Plan and final Reinvestment Zone Financing Plan, the City desires to implement the Commercial Façade Improvement Program for the Zone, which will provide up to \$10,000 matching funds to existing business property owners or lessees who renovate, restore, preserve, and rehabilitate the exterior of commercial buildings in the Zone because such aesthetic improvements will prompt further reinvestment and redevelopment in the Zone by the private sector; and

WHEREAS, pursuant to the Act and Chapter 380 of the Texas Local Government Code, City may enter into agreements as the City considers necessary or convenient to implement the Project Plan and Reinvestment Zone Financing Plan and to achieve its purpose and said agreements may dedicate, pledge, or otherwise provide for the use of revenue in the tax increment fund to pay any project costs that benefit the Zone, including project costs related to the cost of the preservation of the façade of a private or public building; and

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

1. That the Program Guidelines for the Tax Increment Reinvestment Zone No. 5 (Downtown) Commercial Façade Improvement Grant Program, attached as Exhibit "A", are adopted subject to passage of the Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for the Zone; and
2. That the City Manager or her designee is hereby be authorized to enter into reimbursement grant agreements in the form and substance substantially similar to the Agreement attached to this Resolution as Exhibit "B" provided the proposed façade improvement project meets the requirements of the Program Guidelines and to the extent that tax increment revenue funds allocated to this Program are available to fund grant awards.

Ms. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives O'Rourke, Ortega, and Quintana commented.

Ms. Joyce Wilson, City Manager, commented.

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** the Resolution.

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

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to
ADJOURN this meeting at 2:54 p.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk