

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
MAY 12, 2009
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:40 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:45 a.m. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **THE ANNUAL SALE OF BUDDY POPPIES**
2. **NATIONAL NURSES WEEK**
3. **NATIONAL DRUG COURT MONTH**
4. **TENNIS MONTH**
5. **NATIONAL TOURISM WEEK**

RECOGNITIONS

1. **BOY SCOUTS OF AMERICA YUCCA COUNCIL TO THE CITY OF EL PASO**

2. **YOUTH IN GOVERNMENT DAY:
PRESENTATION BY YOUTH IN GOVERNMENT DELEGATES REGARDING
"OPEN DISCUSSION ON LEGALIZATION OF DRUGS"**

**Javier Arellano (Franklin High School), District 1
Michelle Hoey (Loretto Academy), District 2
Kevin James Lambeth (Burgess High School), District 3
Elizabeth Rubio (Burgess High School), District 4
Courtney Dindinger (Mountain View High School), District 5
Rebecca Rivera (Socorro High School), District 6
Hugo Rojo (Americas High School), District 7
David Morgia (Cathedral High School), District 8
Edmond Martinez, (El Paso High School), Mayor
Irvin Ceja (Lydia Patterson Institute), City Manager
Jaaiel Zuniga (Socorro High School), City Attorney
Renne Orrantia (Del Valle High School), City Clerk
Martiza Jimenez (Fabens High School), City Clerk
Zack Fields (Americas High School), Public
Anais Carmona (Americas High School), Public
James Barraza (Socorro High School), Public
Jackie Macias (Americas High School), Public**

Clara Bezemek (Sierra Vista Elementary School), Public

FOR NOTATION PURPOSES: Motion made, seconded, and carried to **OPPOSE** the legalization of drugs.

AYES: Mr. Arellano, Ms. Hoey, Mr. Lambeth, Ms. Rubio, Ms. Dindinger, and Mr. Rojo

NAYS: Ms. Rivera and Mr. Morgia

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. Jerry Thiedt
2. Mr. Salvador Gomez

Mayor Cook and Representative Ortega commented.

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Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:41 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, Ortega, and O'Rourke

Motion made by Representative Lilly, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 9:28 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. Claim of Jack Briggs, Our File No. 09-C-075. (551.071)

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

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EX2. Claim of Gregory Whited, Our File No. 09-C-076. (551.071)

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

.....
EX3. Claim of Laurence Clark, Our File No. 09-C-049. (551.071)

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

.....
EX4. Discussion and action regarding strategies and options related to Asarco bankruptcy.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that City Council hereby authorizes Outside Counsel for the City of El Paso, in consultation with the City Attorney's office, to **FILE DOCUMENTS AND TAKE POSITIONS** at any hearings to support the proposed consent decree/custodial trust settlement between Asarco, EPA, and TCEQ regarding the Asarco El Paso Smelter property in the bankruptcy case styled Asarco LLC, et al., case no. 05-21207 in the United States Bankruptcy Court, and also grants authority to Outside Counsel, in consultation with the City Attorney's office, to resolve any objections to the proposed settlement.

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

NAYS: Representative Acosta

Mayor Cook commented.

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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

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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 May 5, 2009.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

WHEREAS, the Frontera Pride Film Festival, a community event that will be held in June 2009 will allow the citizens in El Paso the opportunity for recreational entertainment and the enjoyment of a community activity in a venue such as the historic Plaza Theater;

WHEREAS, this event will serve functions and purposes similar to activities promoted and presented by several City departments, to include art education and movie entertainment, and will promote the City's tourism efforts and further downtown revitalization by enabling the public to attend quality special events in the City's downtown; and

WHEREAS, as the City Council has found that the presentation of the Frontera Pride Film Festival in the City is of the same type of activity generally presented or promoted by the City within its established programs, the Council finds that the provision of funding towards the presentation of this Event, constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend discretionary funds in the total amount of \$1,450; and

WHEREAS, Ordinance No. 16015 authorizes the City Manager to enter into all necessary agreements relating to the expenditure of discretionary funds.

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

That the City Council declares that the expenditure of discretionary funds from Districts 1, 2, 3 and 8 to support the Frontera Pride Festival Film Festival to be held in June 2009 serves a municipal purpose and is authorized.

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3B.

***RESOLUTION**

WHEREAS, PFLAG/El Paso Sun City Pride Organization (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for the Second Annual Sun City Pride Parade and Festival (hereinafter referred to as "Event"), on Saturday, June 6, 2009, to Sunday, June 7, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for more than 24 hours to temporarily close portions of public right-of-way on Stanton Street between Franklin Street and Missouri Street for the use and closure of public rights-of-way from 4:00 a.m. Saturday, June 6, 2009, to 6:00 a.m. Sunday, June 7, 2009, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portions of public right-of-way on Stanton Street between Franklin Street and Missouri Street from 12:00 p.m., Saturday, June 6, 2009, to 2:00 a.m., Sunday, June 7, 2009.

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3C.

***RESOLUTION**

WHEREAS, O.P.E.P (hereinafter referred to as "Grantees") are sponsoring an outdoor street festival for a Memorial Day Block Party (hereinafter referred to as "Event"), on Sunday, May 24, 2009, to Monday, May 25, 2009; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for a street closure for less than 24 hours to temporarily close a portion of Ochoa Street, between First Avenue and Paisano Drive for the use and closure of public rights-of-way from 4:00 p.m. Sunday, May 24, 2009, to 4:00 a.m. Monday, May 25, 2009, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m., Sunday, May 24, 2009, to 2:00 a.m., Monday, May 25, 2009.

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3D.

***RESOLUTION**

WHEREAS, the City Council finds that participation by the City in the development of a facility for flying the flag of the United States together with an area for memorials honoring those who fought in the wars of the United States, which facility is located at the TransMountain Campus of the El Paso County Community College, will provide a benefit to the City by enhancing the community's tribute to those who served their nation, foster patriotism, continue to serve as a rallying point for community pride, and reduce the opportunities for vandalism in that area, and as such, constitutes an important public purpose to the City and citizens of El Paso;

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

THAT the City Council finds a municipal public purpose benefiting the citizens of the City of El Paso in the City's financial contribution to the development of a facility for flying the flag of the United States and area for memorials honoring those who fought in the wars of the United States, located at the TransMountain Campus of the El Paso County Community College; and

THAT the City Manager be authorized to sign a letter agreement (the "Agreement") by and between the City of El Paso ("City") and the El Paso County Community College District ("EPCC"), which will allow for the City's payment of \$15,715 so that EPCC can obtain and install five street lights (the "equipment") at the flagpole area at EPCC's TransMountain Campus in El Paso, Texas, with EPCC being responsible for maintenance of the equipment and payment for the electricity bills resulting from the use of said equipment; and

THAT City Council authorizes the expenditure of \$12,771 of District 4 discretionary funds for the referenced Agreement.

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3E.

***RESOLUTION**

THAT the City Manager be authorized to sign a Developer Participation Agreement for over width paving between the City of El Paso and Ranchos Real XII, LTD, to allow the City to participate in the cost of the construction of improvements for Rich Beem and Pebble Hills Street, in an amount not to exceed \$373,413 in accordance with Local Government Code Section 212.071.

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3F.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Lydia Varela, 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-K-1 (1.7590 AC), Block 6, Upper Valley Subdivision, El Paso, El Paso County, Texas, Parcel #U819-999-006B-2210

to be \$1,015.19, 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 THOUSAND THIRTY NINE AND 19/100 DOLLARS (\$1,039.19). The City Council finds that the work was completed on the 12th and 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 ONE THOUSAND THIRTY NINE AND 19/100 DOLLARS (\$1,039.19) 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, Ramon & Maria Rodriguez, 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:

3712 Jefferson Avenue, more particularly described as Lot(s) 25 & 26 (6000 Sq Ft), Block 15, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-0150-7300

to be \$521.49, 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 FORTY FIVE AND 49/100 DOLLARS (\$545.49). 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 FIVE HUNDRED FORTY FIVE AND 49/100 DOLLARS (\$545.49) 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, IRENE & JOSEPH DUNN, 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) 40 TO 47 (24312 Sq Ft), Block 115, Morningside Heights Subdivision , El Paso, El Paso County, Texas, Parcel #M794-999-1150-8100

to be \$116.93, 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 AND 93/100 DOLLARS (\$140.93). 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 ONE HUNDRED FORTY AND 93/100 DOLLARS (\$140.93) 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, IRENE & JOSEPH DUNN, 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) 33 TO 36, Block 102, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-1020-7600

to be \$158.05, 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 ONE HUNDRED EIGHTY TWO AND 05/100 DOLLARS (\$182.05). 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 TWO AND 05/100 DOLLARS (\$182.05) 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, ANGIE & CARLOS C. BOMBACH, 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) 42 & 43, Block 102, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-1020-8600

to be \$267.65, 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 TWO

HUNDRED NINETY ONE AND 65/100 DOLLARS (\$291.65). 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 TWO HUNDRED NINETY ONE AND 65/100 DOLLARS (\$291.65) 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.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JULIO C. MURILLO, 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:

3909-3919 Alameda Avenue, more particularly described as Lot(s) Pt of Lot 29 & Lot 30 (140 Ft On W, 50 Ft On N, 7.47 Ft On E, 141.46 Ft on SE), Block 5, Woodlawn Subdivision, El Paso, El Paso County, Texas, Parcel #W886-999-0050-8100

to be \$265.21, 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 NINE AND 21/100 DOLLARS (\$289.21). 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 TWO HUNDRED EIGHTY NINE AND 21/100 DOLLARS (\$289.21) 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, MC LURE INC CONTRACTORS, 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:

7941 Knights Dr #A-C, more particularly described as Lot(s) 32 EXC SELY COR (161.06 Ft On St 134.81 Ft On W-141.54 Ft On N-117.50 Ft On E) (34452.91 Sq Ft), Block 30, Thomas Manor #10 Subdivision, El Paso, El Paso County, Texas, Parcel #T240-999-0300-6300

to be \$342.94, 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 THREE HUNDRED SIXTY SIX AND 94/100 DOLLARS (\$366.94). 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 THREE HUNDRED SIXTY SIX AND 94/100 DOLLARS (\$366.94) 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, MARY L. SCHMIDT, 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) 7 (6000 Sq Ft), Block 7, Sahara Subdivision , El Paso, El Paso County, Texas, Parcel #S033-999-0070-3000

to be \$116.10, 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 AND 10/100 DOLLARS (\$140.10). 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 ONE HUNDRED FORTY AND 10/100 DOLLARS (\$140.10) 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, RESORTVIEW HOMES 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:

Lot(s) 20 COS, (4974.00 Sq Ft), Block 1, Sun Valley Ranch Replat A
Subdivision, El Paso, El Paso County, Texas, Parcel #S820-999-0010-
2010

to be \$159.54, 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 THREE AND 54/100 DOLLARS (\$183.54). The City Council finds that the work was completed on the 20th 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 THREE AND 54/100 DOLLARS (\$183.54) 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, VELLA B. NOWAK (EST), 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:

10049 Kenworthy Street, more particularly described as Lot(s) 13, Block 14,
Terrace Hills Subdivision, El Paso, El Paso County, Texas, Parcel #T172-999-
0140-2500

to be \$359.26, 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 THREE HUNDRED EIGHTY THREE AND 26/100 DOLLARS (\$383.26). The City Council finds that the work was completed on the 26th day of November and on the 1st day of December, 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 EIGHTY THREE AND 26/100 DOLLARS (\$383.26) 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.

***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:

9405 Nottingham Drive, more particularly described as Lot(s) 18 (8011.32 Sq Ft),
Block 10, Lancaster #2 Subdivision, El Paso, El Paso County, Texas, Parcel
#L201-999-0100-3500

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, ARGAL CORP, 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 1-A-69 (0.1815 AC) & Tract 1-A-81 (8.4680 AC) (8.6495 AC), Block 1, Ascarate Subdivision , El Paso, El Paso County, Texas, Parcel #A765-999-001A-0598

to be \$528.26, 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 FIVE HUNDRED FIFTY TWO AND 26/100 DOLLARS (\$552.26). The City Council finds that the work was completed on the 25th and 26th 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 FIVE HUNDRED FIFTY TWO AND 26/100 DOLLARS (\$552.26) 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.

***RESOLUTION**

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

Pt of Tract 13 N of Harding (0.12 ACRE), SPOHR Subdivision, El Paso, El Paso County, Texas, Parcel #S587-999-0010-8000

to be \$340.99, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SIXTY FOUR AND 99/100 DOLLARS (\$364.99). The City Council finds that the work was completed on the 17th 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 SIXTY FOUR AND 99/100 DOLLARS (\$364.99) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LUPE G. AVINA, 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:

2002 Detroit Avenue, more particularly described as Lot(s) 28 & 29 & W 2/3 of Lot 27 (8000.39 Sq Ft), Block 16, Highland Park Subdivision, El Paso, El Paso County, Texas, Parcel #H453-999-0160-8900

to be \$130.98, 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 ONE HUNDRED FIFTY FOUR AND 98/100 DOLLARS (\$154.98). The City Council finds that the work was completed on the 3rd 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 FOUR AND 98/100 DOLLARS (\$154.98) 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, JOSE MADRILES, 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:

3106 Rivera, more particularly described as Lot(s) 28 & 29 (7000 Sq Ft),
Block C, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel
#E014-999-000C-3600

to be \$261.66, 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 FIVE AND 66/100 DOLLARS (\$285.66). 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 EIGHTY FIVE AND 66/100 DOLLARS (\$285.66) 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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3G.

***RESOLUTION**

That the City Manager be authorized to sign a Second Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway, LLC, for the lease of general office space for the Metropolitan Planning Organization at 10767 Gateway West Blvd., Suite 605, El Paso, El Paso County, Texas, to allow a maximum of three one-year term extensions.

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3H.

***RESOLUTION**

That the Mayor be authorized to sign a Second Consulting Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the Instituto Municipal De Investigacion Y Planeacion De Cd. Juarez, Chih., Mexico ("IMIP"), whereby the MPO will provide analysis and Geographic Information Systems ("GIS") technical work to the IMIP for an IMIP international travel demand model for

the El Paso/Ciudad Juarez area. The Agreement period is from May 12, 2009 through May 11, 2010, with the option for additional one-year extensions.

Representative Acosta commented.

Mr. Ricardo Dominguez, Assistant Director of the Metropolitan Planning Organization, commented.

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4. NOTICE OF CAMPAIGN CONTRIBUTIONS

*Motion made, seconded, and unanimously carried to **APPROVE** for notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Steve Ortega on April 16, 2009, in the amount of \$500 from GC Services L.P.

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5. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the allocation of District 2 Discretionary Funds in the amount of \$7,507 to fund Midnight Basketball at the Nolan Richardson Recreation Center to commence on June 4, 2009, and end on August 7, 2009. The hours of activity shall be from 9:00 p.m. to 12:00 a.m.

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6A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to exercise the City’s option to extend current Contract 2008-186 (Herbicide Spraying of City Right of Ways) with Evergreen Lawn Service for two additional years pursuant to the provisions to an award approved by City Council on June 3, 2008. Contract period is June 3, 2009, to June2, 2011.

Department: Street
Account No.: 32010200-01101-502227
34010286-40403-502221
Funding Source: General Funds and Environmental Services
Total Estimated Amount: \$286,000 (total 2-year extension)

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6B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the Purchasing Manager to reject the sole bid submitted for Solicitation No. 2009-118 (Tennant Proprietary Parts and Service). Financial Services, Purchasing Division, recommends re-bidding because the sole bidder’s price list did not match the sample items bid for evaluation.

Department: General Services

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6C. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Barney’s Inc. and GT Distributors under the Texas Procurement and Support Services (TPASS) State of Texas Contract No. 680-A1 for ammunition to be used by the Police Department for the total estimated amount of \$338,841.90. The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

Department: Police

Award to: TPASS Contract No. 680-A1 – Barney’s Inc. (\$278,361.90)
TPASS Contract No. 680-A1 – GT Distributors (460,480.00)
Account No.: 21010052 – 503109 – 01101
Funding Source: General Fund
Total Est. Award: \$338,841.90
Reference No.: 2009-212

Representative Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Assistant Police Chief Eric Shelton commented.

Ms. Lisa Turner, citizen, commented.

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6D. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Hewlett-Packard Company, a Department of Information Resources (DIR) contractor under DIR State Contract DIRBUSOP-178 for hardware maintenance support of Fire and Police Departments Legacy Systems. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on March 6, 2007.

Department: Information Services
Account No.: 39010351 – 502202 – 01101
Funding Source: Information Services, Data Processing Service Contracts, Operating Account
Total Estimated Award: \$77,964.52
Reference No.: 2009-213

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6E. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, to issue a purchase order to Motorola. Inc., the Houston-Galveston Area Council (HGAC) contractor, under contract number RA01-08 for the purchase of 75 Motorola XTS 5000 Radio’s for the Fire Department in the amount of \$324,150. The participation by the City of El Paso in the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Fire
Account No.: 22150024 – 508035 – 07188 – G220902
Funding Source: Fire Department, Communications Equipment, Assistance to Firefighters
Total Estimated Award: \$324,150
Reference No.: 2009-214

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7A. – 7G. INTRODUCTIONS

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega
NAYS: None
ABSTAIN: Representative O’Rourke

- 7A. An Ordinance authorizing the City of El Paso to sell a portion of Lot 21 and a portion of Lot 22, Block 13, Sahara Subdivision, El Paso, El Paso County, Texas, to Mountain Vista Builders, Inc.

PUBLIC HEARING WILL BE HELD ON MAY 19, 2009, FOR ITEM 7A

- 7B. An Ordinance of the City Council of the City of El Paso, Texas, ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Reaffirming Designation of a Liaison for Communication with interested parties; providing available tax incentives; and nominating the Toro Company located at 9455 Railroad Drive and 1440 Don Haskins Drive, El Paso, Texas, to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as Enterprise projects at both locations.

PUBLIC HEARING WILL BE HELD ON MAY 26, 2009, FOR ITEM 7B

- 7C. An Ordinance changing the zoning of Tracts 1D-2C, 1D-2A1, Block 35, Ysleta Grant, 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.
- 7D. An Ordinance changing the zoning of Lots 9 and 10, Block 63, East El Paso Addition, City of El Paso, El Paso County, Texas, from R-5 (Residential) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7E. An Ordinance granting special permit no. ZON09-00010 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Block 270 and Block 277, the alley, and the closed portion of St. Vrain Street, Campbell Addition, and Block 277, Pierce Findley Addition, City of El Paso, El Paso County, Texas, more commonly known as 805 Montana Avenue, to serve Parcel 1, described as Lots 1 through 7, Block 260, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 815 and 823 East Yandell Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code.
- 7F. An Ordinance amending Ordinance No. 014543 which changed the zoning and imposed conditions on Tract 6, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, and repealing Ordinance No. 16684 which amended and released certain conditions placed on a portion of Tract 6, and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, by Ordinance 014543. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- 7G. An Ordinance changing the zoning of a portion of Tract 7D, First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas, from R-4 (Residential) to A-1 (Apartment) 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 JUNE 2, 2009, FOR ITEMS 7C – 7G

Representative O'Rourke commented.

8. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AWARD** Solicitation No. 2009-109 (Security - Municipal Court) to Ruiz Protective Service, Inc. for a total estimated amount of \$776,565.72.

Department: Municipal Clerk
 Award to: Ruiz Protective Service, Inc.
 El Paso, TX
 Items: All
 Annual Estimated Amount: \$258,855.24
 Option: Two years
 Account No.: 11150051 – 502212 – 01101
 Funding Source: Municipal Clerk Security Contracts, Dedicated Revenue Funds
 Total Estimated Award: \$776,565.72 (Total amount for the 3-year period)

This is a thirty-six month requirements type contract.

The Departments of Financial Services, Purchasing Division, and Municipal Court recommend award to Ruiz Protective Service, Inc., the vendor offering the best value bid.

Representatives Quintana and Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terence Freiburg, Purchasing Manager
3. Ms. Richarda Momsen, Municipal Clerk

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9. ENGINEERING

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to **POSTPONE** one week the award, as revised, of Solicitation No. 2009-206 for the Upper Valley Drainage Improvements Phase IB (Re-Bid), to Saab Site Contractors L.P. for a total estimated amount of \$1,304,460.

NOT PRESENT FOR THE VOTE: Representative Quintana

Department: Engineering Department
 Award to: Saab Site Contractors L.P.
 Base Bid: \$1,304,460
 Account No.: 14200500 –508027– 27264 – PSTM06 PW26-0B
 Funding Source: Storm 2006
 Total Estimated Award: \$1,304,460

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.

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

Mayor Cook and Representatives Byrd, Lilly, and Acosta declared campaign contributions from Saab Site Contractors.

Representative Quintana commented.

Mr. Alan Goldfarb, representing Banes Construction, commented.

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ITEMS TAKEN TOGETHER:

10A. PUBLIC HEARING – DEVELOPMENT SERVICES

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **CLOSE** the public hearing to consider the adoption of water and wastewater impact fees at 8:58 p.m.

10B.

ORDINANCE 17113

The City Clerk read an Ordinance entitled: **AN ORDINANCE ADOPTING IMPACT FEES FOR WATER AND WASTEWATER FACILITIES, ESTABLISHING IMPACT FEE SERVICE AREAS, PROVIDING FOR ASSESSMENT AND COLLECTION OF IMPACT FEES; PROVIDING FOR ACCOUNTS FOR IMPACT FEES AND USE OF FUNDS IN THESE ACCOUNTS; PROVIDING FOR APPEALS; AND PROVIDING FOR OTHER PROVISIONS REQUIRED UNDER STATE LAW; INCLUDING PROCEDURAL PROVISIONS; AND AMENDING TITLE 15 (PUBLIC SERVICES) OF THE EL PASO CITY CODE TO ADD A CHAPTER ON IMPACT FEES WHICH SHALL CODIFY THIS ORDINANCE.**

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried to **APPROVE** the impact fees at 75% with the City Plan Commission recommendation regarding the alternate affordability program only applicable to the impact fee service areas.

AYES: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

3RD AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, that the Ordinance be **ADOPTED, AS REVISED**. 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: Mayor Cook and Representatives Lilly, Byrd, Ortega, and O'Rourke

NAYS: Representatives Acosta, Castro, Quintana, and Holguin

Mayor Cook broke the tie, voting aye.

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

Mr. John Neal, City Manager's Office, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Edward Archuleta, President/Chief Executive Officer of El Paso Water Utilities, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mayor Pro Tempore Byrd declared a \$500 contribution from Mark Smith, Hunt Developer.

The following City staff members commented:

1. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
2. Ms. Pat Aduato, Deputy City Manager of Development and Infrastructure
3. Mr. William Lilly, Director of Community and Human Development

Mr. Rick Giardina, RedOak Consulting, commented.

Mr. Dan Olivas, Capital Improvements Advisory Committee (CIAC), commented.

The following members of the public commented:

1. Mr. Ray Aduato, El Paso Association of Builders and member of CIAC
2. Mr. Eddie Miranda, Greater El Paso Chamber of Commerce
3. Mr. David Osborn, Greater El Paso Chamber of Commerce
4. Ms. Amy Schoemaker, Greater El Paso Chamber of Commerce.
5. Ms. Marcia Turner, Neighborhood Association
6. Ms. Mary Frances Keisling, Save the Valley
7. Ms. Yoli Chavez, Greater El Paso Association of Realtors
8. Ms. Elizabeth Leal, Greater El Paso Association of Realtors
9. Mr. Jaime Baruh
10. Mr. Bob Bowling
11. Mr. Kenneth Megliorino
12. Mr. George Keating
13. Mr. Charlie Wakeem, member of CIAC
14. Mr. Sal Masoud, member of CIAC

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11. PUBLIC HEARING – INTERNATIONAL BRIDGES

Motion made by Representative Ortega, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **DENY** the Ordinance amending Ordinance number 016971 to set a quorum for the International Bridge Commission as a majority of the currently appointed commissioners.

NOT PRESENT FOR THE VOTE: Representative Castro

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

Ms. Joyce Wilson, City Manager, and Mr. Said Larbi-Cherif, Director of International Bridges, commented.

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12. OFFICE OF MANAGEMENT AND BUDGET

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the City Manager to execute a budget transfer, reducing the City's General Fund Appropriations in various departments by \$4,127,375 as outlined in the Quarterly Financial Report – Second Quarter. Transfer does not include any adjustments related to the proposed 4/10 work-week.

Mr. David Almonte, Director of Office of Management and Budget, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Assistant Fire Chief Michael Calderazzo
- 3. Ms. Nanette Smejkal, Director of Parks and Recreation

Mr. Walt Phillips, citizen, commented.

13.

RESOLUTION

WHEREAS, the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to name the recreation facility located at 701 Montana Avenue, El Paso, Texas, more specifically known as Block 269, Campbell Addition, City of El Paso, El Paso County, Texas, as the Pat O'Rourke Recreation Center.

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

THAT the recreation facility located at 701 Montana Avenue, El Paso, Texas, more specifically known as Block 269, Campbell Addition, City of El Paso, El Paso County, Texas, shall henceforth be named and known as the Pat O'Rourke Recreation Center; and,

THAT the City, through its capital improvement program, shall incur the customary costs associated with the placing of signage on a newly constructed park facility.

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

Mayor Pro Tempore Byrd read a letter from the Friends and Neighborhoods United Committee into the record.

Ms. Emma Salazar, citizen, commented.

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

.....
The City Council Meeting **RECESSED** at 11:16 a.m. and **RECONVENED** at 6:07 p.m.

.....
Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to
ADJOURN this meeting at 9:23 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk