

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES - CORRECTED
COUNCIL CHAMBERS
JUNE 15, 2010
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Emma Acosta, Carl Robinson, Rachel Quintana, and Steve Ortega. Late arrivals: Beto O'Rourke at 8:35 a.m. and Eddie Holguin, Jr. at 8:53 a.m. during Executive Session deliberations: The invocation was given by Police Chaplain Cliff Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. JUNETEENTH FREEDOM CELEBRATION DAY
2. EL PASO'S REGIONAL MEDICAL CENTER OUTREACH DAY

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. Bill Hart, Jr.
2. Mr. Richard Schecter
3. Mr. Jorge Artalejo
4. Mr. Salvador Gomez
5. Ms. Charlsetta Finley

1ST MOTION

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

2ND MOTION AND FINAL MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Schecter an additional two minutes to address the Council.

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

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Motion made by Representative Quintana, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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 Holguin and O'Rourke

Motion made by Representative Robinson, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:17 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. Antonio Hernandez vs. The City of El Paso, et. al.; Cause No. EP-09-CV-0461 (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that outside counsel for the City of El Paso be authorized to reject Plaintiff's settlement demand in the lawsuit styled Antonio Hernandez vs. City of El Paso, et. al.; Cause No. 09-CV-0461-PM.

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

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EX2. In re: Order of Foreclosure concerning: Albert Herrera and Annette Herrera and 304 Encino Drive, El Paso, Texas 79905, Cause No. 2010-1194. (551.071 and 551.072)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and carried that the City Attorney's Office be authorized to take any and all actions, including but not limited to filing all the necessary pleadings, signing documents, and any other actions necessary to resolve the matter of Cause Number 2010-1164, In Re Order of Foreclosure Concerning Albert Herrera and Annette Herrera and 304 Encino, El Paso, Texas; Our File No. 10-C-016.

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

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EX3. Mutual Settlement and Release of all Claims with the County of El Paso regarding the housing of city inmates and damages to City property at the MDR Building. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that the Mayor be authorized to sign a Mutual Settlement and Release of all Claims with the County of El Paso regarding the housing of city inmates and damages to City property at the MDR Building.

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

NAYS: None

ABSTAIN: Representative Holguin

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EX4. Collection re: Ernesto Corral, Our File No. 10-COL-009. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, and carried that the City settle its claim against Ernesto Corral, as recommended by the City Attorney, and that the City Attorney, or his designee, be authorized to execute any necessary documents to effectuate that authority.

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

NAYS: None

ABSTAIN: Representative Holguin

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CONSENT AGENDA

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

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

NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of June 8, 2010.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the CITY OF EL PASO and R. L. BOWLING, III, and PAULETTE BOWLING for the purchase of the following property at the corner of Lee Boulevard and Turner Road for SEVENTEEN THOUSAND and 00/100 DOLLARS (\$17,000.00) as part of a negotiated settlement:

A 297 square foot parcel of land in Lot 3, Block 1, Las Palmas Unit 4, an Addition to the City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

Representatives Ortega and Byrd commented.

Mr. Robert Ramirez, Engineering Consumer Affairs Administrator, and Mr. Alan Shubert, City Engineer, commented.

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

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3B.

***RESOLUTION**

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

WHEREAS, Regent Broadcasting (hereinafter referred to as "Grantee") is sponsoring an outdoor street festival for the Downtown Street Festival (hereinafter referred to as "Event"), from Friday, July 2, 2010 to Sunday, July 4, 2010; and

WHEREAS, Bel Air Optimist Club (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for a street closure of more than twenty-four (24) hours for the use and closure of public rights-of-way for portions of Santa Fe Street between Franklin Street and San Antonio Street, Main Street between Santa Fe Street and El Paso Street, El Paso Street between Franklin Street and Main Street, and Sheldon Court between Mills Street and Santa Fe Street from 6:00 a.m. Thursday, July 1, 2010, to 1:00 p.m. Sunday, July 4, 2010, in conjunction with the proposed Event; and

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

WHEREAS, both the Grantee and Licensee desire to provide for the sale and service 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 Grantee and Licensee be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival (the Event) in the closed portions of Santa Fe Street between Franklin Street and San Antonio Street, Main Street between Santa Fe Street and El Paso Street, El Paso Street between Franklin Street and Main Street, and Sheldon Court between Mills Street and Santa Fe Street from 6:00 p.m., Friday, July 2, 2010 to 2:00 a.m., Saturday, July 3, 2010 and from 6:00 p.m., Saturday, July 3, 2010 to 2:00 a.m., Sunday, July 4, 2010.

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3C.

***RESOLUTION**

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

WHEREAS, O.P.E.P (hereinafter referred to as "Grantee") is sponsoring an outdoor street festival for a Gay Pride Block Party (hereinafter referred to as the "Event") on Saturday, June 26, 2010 to Sunday, June 27, 2010; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on portions of Ochoa Street between First Avenue and Paisano Drive from 4:00 p.m. Saturday, June 26, 2010, to 4:00 a.m. Sunday, June 27, 2010, in conjunction with the proposed Event; and

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

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portions of Ochoa Street between First Avenue and Paisano Drive from 7:00 p.m., Saturday, June 26, 2010 to 2:00 a.m., Sunday, June 27, 2010.

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3D.

***RESOLUTION**

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

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

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

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

324 Arroyo Hondo Lane, more particularly described as Lot(s) 2 (24264.30 SQ FT), Block 1, Quinones Subdivision, El Paso, El Paso County, Texas, Parcel #Q670-999-0010-0200

to be \$1,442.76, 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 FOUR HUNDRED SIXTY SIX AND 76/100 DOLLARS (\$1,466.76). The City Council finds that the work was completed on the 15th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE THOUSAND FOUR HUNDRED SIXTY SIX AND 76/100 DOLLARS (\$1,466.76) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

3100 Dyer Street, more particularly described as Lot(s) 15 & 16 & W
17.00 Ft of Lot 14 (8040.00 SQ FT), Block 109, Grandview Subdivision,
El Paso, El Paso County, Texas, Parcel #G686-999-1090-5100

to be \$147.76, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76). The City Council finds that the work was completed on the 16th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

182 Coronado Road, more particularly described as N 50 Ft of Tract 11
(14200 SQ FT), Coronado Place Subdivision, El Paso, El Paso County,
Texas, Parcel #C835-999-0010-5900

to be \$166.68, 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 ONE HUNDRED NINETY AND 68/100 DOLLARS (\$190.68). The City Council finds that the work was completed on the 30th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY AND 68/100 DOLLARS (\$190.68) 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 City Code, entitled Abatement, MARIA D J TELLEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

7302 Dale Road, more particularly described as NE Pt of Lot(s) 2 (45 Ft on Dale-115 Ft on ELY - Irreg on SLY & WLY) (4860 Sq Ft), Block 9, Stiles Gardens Subdivision, El Paso, El Paso County, Texas, Parcel #S658-999-0090-1700

to be \$150.34, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY FOUR AND 34/100 DOLLARS (\$174.34). The City Council finds that the work was completed on the 16th day(s) of November, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY FOUR AND 34/100 DOLLARS (\$174.34) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

5377 Guillermo Frias Lane, more particularly described as Lot(s) 6 (5459.77 Sq Ft), Block 2, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #S138-999-0020-0600

to be \$90.26, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FOURTEEN AND 26/100 DOLLARS (\$114.26). The City Council finds that the work was completed on the 17th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED FOURTEEN AND 26/100 DOLLARS (\$114.26) 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 City Code, entitled Abatement, MENDIOLA VENTURES LLC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5381 Guillermo Frias Lane, more particularly described as Lot(s) 5 (5703.46 Sq Ft), Block 2, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #S138-999-0020-0500

to be \$102.57, 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 TWENTY SIX AND 57/100 DOLLARS (\$126.57). The City Council finds that the work was completed on the 17th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY SIX AND 57/100 DOLLARS (\$126.57) 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, MENDIOLA VENTURES, LLC., 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:

5376 Ignacio Frias Drive, more particularly described as Lot(s) 30 (5409.06 Sq Ft), Block 2, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #S138-999-0020-3000

to be \$90.78, 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 ONE HUNDRED FOURTEEN AND 78/100 DOLLARS (\$114.78). The City Council finds that the work was completed on the 17th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FOURTEEN AND 78/100 DOLLARS (\$114.78) 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 City Code, entitled Abatement, MENDIOLA VENTURES LLC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5380 Ignacio Frias Drive, more particularly described as Lot(s) 31 (5334.32 Sq Ft), Block 2, Sandstone Ranch Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #S138-999-0020-3100

to be \$112.31, 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 THIRTY SIX AND 31/100 DOLLARS (\$136.31). The City Council finds that the work was completed on the 17th day(s) of December, 2009, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY SIX AND 31/100 DOLLARS (\$136.31) 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.

3E.

***RESOLUTION**

That the City Manager is hereby authorized to sign an Interlocal Agreement by and between the City of El Paso (the "City") and the Housing Authority of the City of El Paso (the "HACEP") whereby the City shall cause HACEP's surplus vehicles to be auctioned.

3F.

***RESOLUTION**

WHEREAS, on May 21, 1970, the City of El Paso (the City) and the Greater El Paso Chamber of Commerce, formerly known as The El Paso Chamber of Commerce, (the Chamber) entered into a Lease Agreement for a portion of City property; and

WHEREAS, on May 31, 1973, the City and the Chamber amended the May 21, 1970 Lease Agreement to include additional property and to clarify the Chamber's consideration for the lease; and

WHEREAS, on March 16, 1993, the City and the Chamber extended the term of the Lease for an additional twenty (20) year period; and

WHEREAS, because through the years, the services provided as consideration for this lease have been modified and the City and the Chamber desire to clarify and restate the services the Chamber will provide as consideration for the lease and to also redefine the leased premises,

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

That the City Manager be authorized to sign the Third Amendment to the 1970 Lease Agreement between the City of El Paso and the Greater El Paso Chamber of Commerce.

4. **BOARD RE-APPOINTMENT**

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Karl P. Heimer to the Community Development Steering Committee by Representative Eddie Holguin Jr., District 6.

5. **APPLICATIONS FOR TAX REFUNDS**

*Motion made, seconded, and carried that the following tax refunds be **APPROVED**, subject to auditor approval:

- A. Gonzalez Financial Holdings, in the amount of \$8,457.02 overpayment of 2006 taxes. (PID #M329-999-002A-7900).
- B. Heights Properties LLP in the amount of \$16,037.93 overpayment of 2009 taxes. (PID #P395-999-0010-2000).
- C. Patricia Casas in the amount of \$2,759.92 overpayment of 2009 taxes. (PID #R330-999-0250-4100).
- D. Terrance Hilton in the amount of \$3,856.72 overpayment of 2008 taxes. (PID #R460-999-0530-2500).
- E. Jose M. Colon & Wendy G. Colon in the amount of \$6,147.09 overpayment of 2009 taxes. (PID #S137-999-0090-0700).
- F. Rosa Torres in the amount of \$3,208.97 overpayment of 2009 taxes. (PID #S812-999-0350-1900).
- G. Select Portfolio Servicing, Inc., in the amount of \$3,761.88 overpayment of 2009 taxes. (PID #T240-999-0050-7300).
- H. BAC Tax Services Corporation in the amount of \$2,907.86 overpayment of 2009 taxes. (PID #T820-999-02U3-2500).
- I. Ocwen Loan Servicing in the amount of \$5,069.19 overpayment of 2009 taxes. (PID #V893-999-3920-2900).
- J. Heights Properties LLP in the amount of \$13,917.39 overpayment of 2009 taxes. (PID #V894-999-0230-0500).
- K. Inter National Bank in the amount of \$21,014.53 overpayment of 2009 taxes. (PID #V897-999-1150-0150).
- L. CLK New Star RE LP in the amount of \$6,013.15 overpayment of 2009 taxes. (PID #X581-999-2020-0230).

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6. FINANCIAL SERVICES

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **AUTHORIZE** the Purchasing Manager of Financial Services, Purchasing Division, to exercise the City's option to extend current Contract 2007-153 (Security Guard Services For Park Facilities-Rebid) with AlliedBarton Security Services for two additional years pursuant to the provisions of an award approved by the City Council on June 26, 2007. Contract period will be from June 27, 2010 to June 26, 2012

Department:	Parks and Recreation
Option:	One [of One]
Annual Estimated Amount:	\$254,535
Funding Source:	General Fund – Security contracts

Total Estimated Amount: \$509,070 (2 Year Extension)

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7A.

ORDINANCE 17342

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS) OF THE EL PASO CITY CODE BY AMENDING SUBSECTION G, FORTY MILES PER HOUR, NUMBER 12: SOCORRO ROAD FROM 400 FEET SOUTHEAST OF SOUTHSIDE ROAD AND 450 FEET SOUTHEAST OF AVENUE OF THE AMERICAS TO 400 FEET SOUTHEAST OF SOUTHSIDE ROAD AND THE SOUTHEAST CITY LIMITS; AND TO DELETE NUMBER 2 IN SUBSECTION H, FORTY-FIVE MILES PER HOUR, SOCORRO DRIVE BETWEEN A POINT 450 FEET SOUTHEAST OF AVENUE OF THE AMERICAS AND THE SOUTHEAST CITY LIMITS; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 (VIOLATION--PENALTY) OF THE EL PASO CITY CODE.**

Representatives Holguin and Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

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

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

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7B.

ORDINANCE 17343

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF EL PASO TO SIGN A QUIT CLAIM DEED TO CONVEY TO THE STATE OF TEXAS, APPROXIMATELY 31.118 ACRES OF LAND KNOWN AS A PORTION OF FRED WILSON AVENUE, MARSHALL ROAD AND AIRPORT ROAD IN THE CITY OF EL PASO, LOCATED IN SECTIONS 19 AND 30, BLOCK 80, TOWNSHIP 2 AND SECTIONS 17, 18, 19 AND 20, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, SAID PARCEL TO BE INCLUDED IN THE STATE OF TEXAS SPUR 601 CONTROLLED ACCESS HIGHWAY PROJECT; AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSFER OF THE LAND.**

Mayor Cook and Representatives Byrd and Quintana commented.

Ms. Terry Quezada, Engineering Capital Improvement Program Administrator, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Quintana, Holguin, O'Rourke, and Ortega
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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7C. ENVIRONMENTAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 9 (Health and Safety), Chapter 9.08 (Junked Vehicles), Section 9.08.020 (Definitions) to amend the definition of junked vehicle; to clarify which entity cancels certificates of Title in 9.08.030 (Abatement); and to clarify appropriate cover of antique and special interest vehicles stored outdoors in 9.08.040c (Exceptions); the penalty as provided in Section 9.08.070 of the El Paso City Code.

..... **8.**

MAYOR AND COUNCIL

Legislative Review Committee:

1. For notation: Formal report of the Environmental Services Legislative Review meeting held on May 6, 2010, as submitted by Representative Susie Byrd, Chair; and
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee, as follows:
 - A) Tire disposal options and other potential projects that support sustainability.
 - B) On Section 20.02.1136 to discuss flea market vendors.

Mayor Cook and Representative Byrd commented.

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

NO ACTION was taken on the item.

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9.

RESOLUTION

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

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso (City) and the County of El Paso (County) regarding fees for the housing of prisoners.

Motion made by Representative Quintana, seconded by Representative Robinson, and unanimously carried to **APPROVE** the Resolution.

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ADDITION TO THE AGENDA

EX1. In re: David Pearlman d/b/a Scorpion Sales, Case No. 10-31178, U.S. Bankruptcy Court, Western District of Texas, El Paso Division. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Lilly, and carried that the City of El Paso authorizes the City Attorney to take any and all action to protect the City's interest and position both

affirmative and defensive, as necessary, related to in the matter of David Alan Pearlman, Chapter 11 bankruptcy proceeding cause no. 10-31178 pending in the U.S. Bankruptcy Court for the Western District of Texas, El Paso Division. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial proceeding or process, in consultation with the City Manager and authorizing retaining of outside counsel in connection with this matter.

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

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EX2. Discussion and action on lease negotiations for Police Department Internal Affairs office space at the Compass Bank Building located at 6044 Gateway Blvd. East, El Paso, Texas. (551.071 and 551.072)

Mayor Cook and Representatives Ortega, Quintana and Acosta commented.

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

1ST MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Quintana, to proceed with the lease negotiations with the Compass Bank for the Police Department Internal Affairs office space at the Compass Bank Building located at 6044 Gateway Blvd. East, El Paso, Texas. **THE MOTION FAILED.**

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

2nd AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and carried to extend the existing lease up to two years and direct the City Manager to come back to Council with an option for a downtown location.

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

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Motion made by Representative Robinson, seconded by Mayor Pro Tempore Acosta, and unanimously carried to **ADJOURN** this meeting at 10:11 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk