

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
JULY 8, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 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, Steve Ortega, and Beto O'Rourke. Late arrivals: Rachel Quintana at 8:36 a.m. during Executive Session deliberations, Eddie Holguin, Jr. at 8:37 a.m. during Executive Session deliberations, and Melina Castro at 8:58 a.m., during Executive Session deliberations. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **COMMUNITY COVENANT WEEK**
2. **PROJECT SABEMOS**
 - ◆ **HONORARY CITIZEN CERTIFICATES**
 - ◆ **KEY TO THE CITY TO LAURA IRENE DINO MORALES FROM PROJECT SABEMOS**

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. Ray Gilbert
2. Ms. Lisa Turner

Mayor Cook and Representative Holguin commented.

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

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

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Motion made by Representative O'Rourke, 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 Castro, Quintana, and Holguin

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:03 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative O'Rourke

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EX1. Discussion and action regarding strategies and options related to Asarco bankruptcy process. (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Council hereby grants **SETTLEMENT AUTHORITY** to the City Attorney and outside counsel with regard to the City's remaining claims in the ASARCO LLC bankruptcy proceeding (Case Number 05-21207) in the United States Bankruptcy Court, Southern District of Texas.

NOT PRESENT FOR THE VOTE: Representative Castro

2ND MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the City Council hereby grants **SETTLEMENT AUTHORITY** to the City Attorney and outside counsel with regard to the City's remaining claims in the ASARCO LLC bankruptcy proceeding (Case Number 05-21207) in the United States Bankruptcy Court, Southern District of Texas.

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

NAYS: None

ABSTAIN: Representative Castro

CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, 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 July 1, 2008.

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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 Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and Integrated Airline Services, Inc. ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas 79925.

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3B.

***RESOLUTION**

WHEREAS, West Teas Credit Union, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of a credit union building; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a credit union building on the following described property which is located in a C-1/C District:

A portion of Lot 26, Block 1, Montwood Heights Unit Four, City of El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A," and incorporated herein by reference.

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/sc District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/c District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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3C.

R E S O L U T I O N

That the City Manager be authorized to sign a one year Professional Services Agreement between the City of El Paso and Moreno Cardenas, Inc., a Texas Corporation, to perform consulting services for a project known as "EPIA On-Call Civil Engineering Services" for a contract amount not to exceed \$750,000.

Mayor Cook and Representatives Holguin and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Sam Rodriguez, Engineering Division Manager
- 3. Mr. Alan Shubert, City Engineer

Mr. Ray Gilbert, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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3D.

R E S O L U T I O N

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this agreement is described as an expansion to the computerized signal systems at Hawkins, McCombs, Raynolds, Copia, Alabama, Dyer, Pershing, Val Verde, Lee Trevino, El Paso Drive, Airport, Montana, and Alameda.

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

Ms. Joyce Wilson, City Manager, and Mr. Ted Marquez, Engineering Division Manager, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

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3E.

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

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

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

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

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

1263 Franklin Jay, more particularly described as Lot 29 (15193.00 SQ FT),
Block 28, Franklin Hills #7 Subdivision, El Paso, El Paso County, Texas, Parcel
F609-999-0280-2900

to be \$271.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED NINETY-FIVE AND 71/100 DOLLARS (\$295.71). The City Council finds that the work was completed on the 5th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED NINETY-FIVE AND 71/100 DOLLARS (\$295.71) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIA E. MENA, 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:

3601 Jackson, more particularly described as Lot(s) 15 & 16 (6600 SQ FT), Block 14, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel # M794-999-0140-4300

to be \$73.61, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINETY-SEVEN AND 61/100 DOLLARS (\$97.61). The City Council finds that the work was completed on the 5th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINETY-SEVEN AND 61/100 DOLLARS (\$97.61) 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, RAFAEL & HORTENSIA O. SOTO, 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:

211 Colfax, more particularly described as Lot(s) 11 & 12 (5900 SQ FT), Block 1, Hadlock Suburban Gardens Subdivision, El Paso, El Paso County, Texas, Parcel # H042-999-0010-1900

to be \$229.49, 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 TWO HUNDRED FIFTY-THREE AND 49/100 DOLLARS (\$253.49). The City Council finds that the work was completed on the 10th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY-THREE AND 49/100 DOLLARS (\$253.49) 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, CARLOS ROJAS, 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:

215 Coronado, more particularly described as Lot 22, Block 35, Cedar Grove
Park Subdivision, El Paso, El Paso County, Texas, Parcel # C301-999-0350-
6300

to be \$158.59, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED EIGHTY-TWO AND 59/100 DOLLARS (\$182.59). The City Council finds that the work was completed on the 14th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY-TWO AND 59/100 DOLLARS (\$182.59) 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, KILLO & GLORIA GIBSON, 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:

5748 Kalpana Chawla, more particularly described as Lot 13 (5122.50 SQ FT), Block 7, Columbia North Subdivision, El Paso, El Paso County, Texas, Parcel #C742-999-0070-1300

to be \$155.88, 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-NINE AND 88/100 DOLLARS (\$179.88). The City Council finds that the work was completed on the 3rd day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED SEVENTY-NINE AND 88/100 DOLLARS (\$179.88) 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, SAMUEL A. MENDOZA, 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:

12441 Tierra Arroyo, more particularly described as Lot(s) 13 (5868.49 SQ FT), Block 43, Tierra Del Este #16 Subdivision, El Paso, El Paso County, Texas, Parcel # T287-999-0430-1300

to be \$77.40, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED ONE AND 40/100 DOLLARS (\$101.40). The City Council finds that the work was completed on the 1st day(s) of November, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED ONE AND 40/100 DOLLARS (\$101.40) 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, ARMANDO & IRMA GOMEZ, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

9817 La Morenita, more particularly described as Lot 16 (5827.50 SQ FT),
Block 1, Mission Pass Subdivision, El Paso, El Paso County, Texas, Parcel #
M579-999-0010-1600

to be \$116.91, 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 91/100 DOLLARS (\$140.91). The City Council finds that the work was completed on the 20th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FORTY AND 91/100 DOLLARS (\$140.91) 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, PEDRO A. & SILVIA VILLALOBOS, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso 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:

9853 La Morenita, more particularly described as Lot 7 (5833.85 SQ FT), Block 1, Mission Pass Subdivision, El Paso, El Paso County, Texas, Parcel # M579-999-0010-0700

to be \$157.50, 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-ONE AND 50/100 DOLLARS (\$181.50). The City Council finds that the work was completed on the 20th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY-ONE AND 50/100 DOLLARS (\$181.50) 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 R. MARQUEZ, 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:

1679 Roger Bombach, more particularly described as Lot 11 (4708.55 SQ FT), Block 9, Maria Seanes Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel # M090-999-0090-1100

to be \$143.97, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY-SEVEN AND 97/100 DOLLARS (\$167.97). The City Council finds that the work was completed on the 3rd day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED SIXTY-SEVEN AND 97/100 DOLLARS (\$167.97) 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, RADCO DEVELOPMENT LTD CO, c/o ROBERT E. JONES, 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 6 (27316.48 SQ FT), Block 6, Stone Ridge Unit 4 Subdivision, El Paso, El Paso County, Texas, Parcel # S700-999-0060-0600

to be \$145.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY-NINE AND 06/100 DOLLARS (\$169.06). The City Council finds that the work was completed on the 19th day(s) of December, 2007, and approves the costs described herein.

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

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

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

***RESOLUTION**

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

1048 Ralpheene Street, more particularly described as Lot 34 (5737 SQ FT), Block 4, Alto Terrace 2nd Replat Subdivision, El Paso, El Paso County, Texas, Parcel # A496-999-0040-6700

to be \$166.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY AND 71/100 DOLLARS (\$190.71). The City Council finds that the work was completed on the 13th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY AND 71/100 DOLLARS (\$190.71) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIA P. VELEZ, 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:

W 49 FT OF S 138.83 FT OF LOT(S) 1 & 2 & TRACT 7-J-2-A BLK 29
YSLETA (6900.67 SQ FT), Caulder Subdivision, El Paso, El Paso County,
Texas, Parcel # C270-999-0010-1150

to be \$289.57, 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 THREE HUNDRED THIRTEEN AND 57/100 DOLLARS (\$313.57). The City Council finds that the work was completed on the 4th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED THIRTEEN AND 57/100 DOLLARS (\$313.57) 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, DAVID NELSON, 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:

4535 Emory Road, more particularly described as Tract 3-B-2 (1.00 Acre), Block 2, Upper Valley Subdivision, El Paso, El Paso County, Texas, Parcel # U819-999-002A-0318

to be \$2,139.02, 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 THOUSAND ONE HUNDRED SIXTY-THREE AND 02/100 DOLLARS (\$2,163.02). The City Council finds that the work was completed on the 19th and 20th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO THOUSAND ONE HUNDRED SIXTY-THREE AND 02/100 DOLLARS (\$2,163.02) 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, HOMERO S. TERRAZAS, 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:

1030 Myrtle, more particularly described as N 87.5 FT OF LOT(S) 15 & 16,
Block 1, Franklin Heights Subdivision, El Paso, El Paso County, Texas, Parcel
F607-999-0010-4300

to be \$212.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED THIRTY-SIX AND 71/100 DOLLARS (\$236.71). The City Council finds that the work was completed on the 13th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTY-SIX AND 71/100 DOLLARS (\$236.71) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

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

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

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

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

1217 Main, more particularly described as N PT OF LOT 20 & E 5 FT OF LOT 19
(37.29 FT ON S, 84.3 FT ON W, 23.93 FT ON N, 76.2 FT ON E), Block 13, Mundy
Heights Subdivision, El Paso, El Paso County, Texas, Parcel # M946-999-0130-
8100

to be \$145.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SIXTY-NINE AND 06/100 DOLLARS (\$169.06). The City Council finds that the work was completed on the 14th day(s) of December, 2007, and approves the costs described herein.

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

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

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

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Cecilia Levine to the Committee on Border Relations by Mayor John F. Cook.

.....
4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gerald G. Mangrum to the Ethics Review Commission by Mayor John F. Cook.

.....
5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Fred Jackson to the Airport Board by Representative Emma Acosta, District 3.

.....
5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard Sheldon to the City Accessibility Advisory Committee, filling an unexpired term, by Representative Melina Castro, District 4.

.....
5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Armando Gonzalez to the Information Technology Advisory Board by Representative Ann Morgan Lilly, District 1.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Stephanie Karr Dodson to the Fair Housing Task Force by Mayor John F. Cook.
.....

5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Brian D. Wickstrom to the Parks and Recreation Advisory Board by Mayor John F. Cook.

5F. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Xavier J. Saenz to the Revolving Loan Fund Board by Mayor John F. Cook.

5G. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Richard De Santos to the Revolving Loan Fund Board by Mayor John F. Cook.

5H. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Kenneth J. Gezelius to the Zoning Board of Adjustment, as alternate member, by Mayor John F. Cook.

5I. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jose L. Lares, Jr. to the City Plan Commission, filling an unexpired term, by Representative Melina Castro, District 4.

5J. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** James H. Tolbert to the Tree Board by Mayor John F. Cook.

5K. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Larry M. Medina to the Civil Service Commission by Representative Emma Acosta, District 3.

5L. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Servando Hernandez to the Zoning Board of Adjustment by Representative Ann Morgan Lilly, District 1.

5M. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Larry Nance to the Zoning Board of Adjustment, as an alternate member, by Representative Ann Morgan Lilly, District 1.

6A. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request to transfer District 7 Discretionary Funds (Council Special Projects), Department ID No. 01153010, Account No. 504420, Fund No. 16507, Project PD70428, in the amount of \$2,500 to the Parks & Recreation Department, Department

ID 51510073, Account Nos. 501011, 501100, 501101, 501129, 501130, 503111, 503115, 503116, 504422, Fund No.16308, for the purpose of providing a 4-week Club Rec Program at the Thomas Manor Park Shelter.

Representatives Castro, Ortega, and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

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6B. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request to transfer District 3 Discretionary Funds (Council Special Projects), Department ID No. 01153004, Account No. 504420, Fund No. 16503, Project PD30424, in the amount of \$2,500 to the Parks and Recreation Department, Department ID 51510073, Account Nos. 501011, 501100, 501101, 501129, 501130, 503111, 503115, 503116, 504422, Fund No. 16308, for the purpose of providing a 4-week Club Rec Program at the Thomas Manor Park Shelter.

Representatives Castro, Ortega, and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

.....
7. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City of El Paso's option to extend Contract 2005-219R (Golf Course Management Firm) with Kemper Sports Management for one additional three year period. This contract was awarded by City Council on July 12, 2005. Extended contract period is through July 11, 2011.

Department: Airport
Amount: \$12,500 (Fixed Monthly Fee) plus Incentive Fee: 5% of gross annual revenues exceeding \$3,000,000
Account No.: Revenue Contract
Funding Source: Revenue Contract
Total Estimated Award: \$450,000 Estimated (Fixed Fee) plus Incentive Fee: 5% of gross annual revenues exceeding \$3,000,000

Furthermore, it is requested that staff be authorized to negotiate, the City Attorney's Office to review and that the City Manager execute any additional documents as necessary. Additionally, authorize the City Manager to execute budget transfers as necessary during the contract.

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

Mr. Patrick Abeln, Director of Aviation, commented.

8A – 8G INTRODUCTIONS

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

- A.** An Ordinance vacating a portion of Denver Street (70' wide public right-of-way), City of El Paso, El Paso County, Texas. Location: Denver Street east of Murchison Drive and west of Idaho Street.

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

- B.** An Ordinance amending the El Paso City Code by adding Title 21, Smart Code, to establish the Smart Code regulations, to create Smart Code use districts in accordance with the Comprehensive Plan, regulate within such districts the height, scale, location and use of buildings and structures, the size of yards and setbacks, civic spaces, use of land for commercial, industry, residence and other purposes; regulate the density of dwellings and other structures and the percentage of lot that may be occupied by structures; define certain terms as used within this ordinance; specify requirements for off-street parking of motor vehicles and off-street loading areas; provide for development standards for all uses; provide for regulations regarding signage; provide for procedures for Smart Code zoning and development; provide for warrants and variances; provide for incentives; provide for enforcement including penalties of a fine not to exceed \$2,000 or civil penalty not to exceed \$500 for each and every offense; provide for injunctive relief; and provide for the following: findings of fact; severability; effective date; and proper notice and a hearing.
- C.** An Ordinance changing the zoning of Lot 3, Block 1, Farah Subdivision, City of El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- D.** An Ordinance changing the zoning of a portion of Tract 4A-31A, Block 2, Ascarate Grant, City of El Paso, El Paso County, Texas, from C-OP (Commercial Office Park) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- E.** An Ordinance changing the zoning of a portion of Tract 1A5, Section 45, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, 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.
- F.** An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed from R-F (Ranch and Farm) to C-3/C (Commercial/Condition) and imposing conditions; and Parcel 2: a portion of Section 16, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, be changed to R-F (Ranch and Farm) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- G.** An Ordinance changing the zoning of the following real property described as Parcel 1: a portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey No. 238, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-4 (Commercial) and imposing conditions; and, Parcel 2: a portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey No. 238, and a portion of Tracts 5A, 5B, and 6, Laura E. Mundy Survey No. 237 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to R-5 (Residential) and from R-

3/SP (Residential/Special Permit) to R-5/SP (Residential/Special Permit); and, Parcel 3: a portion of Tracts 9A, 9B1, and 9B, Laura E. Mundy Survey No. 238 and a portion of Tracts 4B, 4B1, 5A, 5B, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to R-MU (Residential-Mixed Use) and approving a Master Zoning Plan; and, Parcel 4: a portion of Tracts 9B, Laura E. Mundy Survey No. 238, and a portion of Tracts 4A, 4B, 4B1, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) to C-4 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JULY 29, 2008, FOR ITEMS 8B – 8G

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9A.

ORDINANCE 16936

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 5, BLOCK 11, BEAUMONT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

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9B.

ORDINANCE 16937

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 14E, BLOCK 51, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F/H (RANCH-FARM/HISTORIC) TO C-1/H (COMMERCIAL/HISTORIC) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

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

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

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

9C. PUBLIC HEARING – DEVELOPMENT SERVICES

*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the public hearing on an Ordinance changing the zoning of the following real property described as: Parcel 1: all of Tract 4, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from M-3 (Unrestricted Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 2: all of Tracts 6 and 7, I.F. Harrison Survey No. 54 and Tract 3, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential), A-2 (Apartment) and M-1 (Light Manufacturing) to C-3 (Commercial) and imposing conditions; and, Parcel 3: a portion of Tracts 6 and 7, I.F. Harrison Survey No. 54, City of El Paso, El Paso County, Texas, be changed from R-3 (Residential) and A-2 (Apartment) to R-5 (Residential); and, Parcel 4: all of Tract 7, I.F. Harrison Survey No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas, be changed from M-1 (Light Manufacturing), R-3 (Residential), and A-2 (Apartment) to R-3A (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

10.

ORDINANCE 16938

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), SECTION 18.10.310 (APPENDIX G, SWIMMING POOLS, SPAS AND HOT TUBS), OF THE EL PASO CITY CODE TO ESTABLISH STANDARDS FOR SWIMMING POOLS, SPAS, AND HOT TUBS; REPEALING ORDINANCE 016867 ADOPTED APRIL 1, 2008, AND ORDINANCE O16875 CHANGING EFFECTIVE DATES OF ORDINANCE 016867; WITH PENALTIES NOT TO EXCEED \$2,000 PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

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

The following City staff members commented:

- 1. Mr. Larry Nichols, Deputy Director of Building Permits and Inspections
- 2. Mr. Mark Shoesmith, Assistant City Attorney, gave legal advice.
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Ms. Cindy Facker, El Paso Board of Realtors Government Affairs Chairman
- 2. Mr. Ray Aauto, El Paso Association of Builders
- 3. Mr. Charlie Garza
- 4. Mr. Doug Hamilton, El Paso Association of Realtors
- 5. Dan Olivas, President of the El Paso Board of Realtors

1ST MOTION

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the signup period.

2ND AND FINAL MOTION

Motion duly made by Representative Castro, seconded by Representative Acosta, that the Ordinance be **ADOPTED, AS REVISED REPEALING THE EXISTING ORDINANCE AND REENACTING THE ORDINANCE IN PLACE PRIOR TO THAT IN APPENDIX G.** Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

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

NAYS: None

Whereupon the Mayor ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED REPEALING THE EXISTING ORDINANCE AND REENACTING THE ORDINANCE IN PLACE PRIOR TO THAT IN APPENDIX G.**

11.

R E S O L U T I O N

WHEREAS, on January 31, 2006, the El Paso City Council approved a Development Agreement and subsequent amendments or extensions, by and between the City of El Paso, the El Paso Water Utilities-Public Service Board, Ranchos Real IV, LTD., and River Oaks Properties, LTD., to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's East Extraterritorial Jurisdiction; and,

WHEREAS, the applicant has requested that the City amend Exhibit B, Development Plan of the Development Agreement to allow an increase to the neighborhood commercial area abutting Rich Beam and Pebble Hills; and,

WHEREAS, the applicant has also an amendment to Exhibit B to allow an increase to the neighborhood commercial area abutting Tim Foster and Pebble Hills, John Wayne and John Hayes, plus Montwood and John Hayes and to allow the location of a public high school; and,

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

That the City Manager be authorized to sign an amendment to the January 31, 2006, Development Agreement by and between the City of El Paso, the El Paso Water Utilities-Public Service Board, Ranchos Real IV, LTD., and River Oaks Properties, LTD. to amend Exhibit B, Development Plan, to increase the neighborhood commercial area abutting Rich Beam and Pebble Hills and Tim Foster and Pebble Hills, John Wayne and John Hayes and Montwood and John Hayes and to allow the location of a public high school.

Representatives Byrd, Ortega, and Quintana commented.

The following City staff members commented:

1. Mr. Mathew McElroy, Deputy Director of Planning
2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
3. Mr. Philip Etiwe, Development Review Manager
4. Mr. Charlie McNabb, City Attorney, gave legal advice.
5. Ms. Patricia Aauto, Deputy City Manager of Development and Infrastructure Services

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

12A. CITY MANAGER

City Manager’s report of current events and issues:

Quarterly Financial Report: 3rd Quarter for Fiscal Year 2008.

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

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. David Almonte, Director of the Office of Management and Budget
- 3. Mr. Raul Escobedo, Strategic Budget Advisor

Ms. Lisa Turner, citizen, commented.

NO ACTION was taken on the item.

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 The City Council Meeting **RECESSED** at 11:40 a.m. and **RECONVENED** at 12:07 p.m.

12B. CITY MANAGER

City Manager’s report of current events and issues:

Presentation of FY 2009 Proposed Budget Operations and Maintenance Recommendations.

Ms. Joyce Wilson, City Manager, and 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, O’Rourke, Castro, Acosta, Lilly, Quintana, and Byrd commented.

The following City staff members commented:

- 1. Mr. Alan Shubert, City Engineer
- 2. Mr. Gerald Gordier, Chief Information Officer and Information Technology Director
- 3. Mr. Tim Omick, Director of Sun Metro
- 4. Mr. Edmundo Calderon, Chief Internal Auditor
- 5. Ms. Richarda Momsen, Municipal Clerk

The following members of the public commented:

- 1. Mr. Walt Phillips
- 2. Ms. Lisa Turner

NO ACTION was taken on the item.

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ADDITION TO THE AGENDA

1. DISCRETIONARY FUNDS

*Motion made, seconded, and unanimously carried to **APPROVE** the request to transfer District 2 Discretionary Funds (Council Special Projects), Department ID No. 01153003, Account No. 504420, Fund No. 16502, Project PD20423, in the amount of \$4,200 to the Parks & Recreation Department, Department ID 51510074, Account Nos. 501011, 501100, 501101, 501129, 501130, 503116, 502212, 502215, 503115, Fund No.16332, for the purpose of providing a 7-week Teen Sports Program at the Nolan Richardson Recreation Center.

.....
Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 1:50 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk