

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSIE BYRD, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHIEL R. NOE, DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES**  
**COUNCIL CHAMBERS**  
July 24, 2012  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Michiel R. Noe, Eddie Holguin, Jr., Steve Ortega, and Cortney Carlisle Niland. Late arrivals: Emma Acosta at 8:35 a.m. and Carl Robinson at 8:36 a.m. The invocation was given by Police Chaplain Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATION**

**NATIONAL DAY OF THE COWBOY**

**RECOGNITION:**

**CITY OF EL PASO ENVIRONMENTAL SERVICES DEPARTMENT RECIPIENT OF THE 2012 FINEST AWARD "LANDFILL DESIGN AND OPERATIONS" AND THE 2012 FINEST AWARD "INTEGRATED SOLID WASTE SYSTEM" PRESENTED BY THE TEXAS SOLID WASTE ASSOCIATION OF NORTH AMERICA (TXSWANA)**

**CALL TO THE PUBLIC – PUBLIC COMMENT**

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

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

Requests to speak must be received by 8:30 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. Matt Carroll
3. Mr. Richard Schecter
4. Mr. John Vandeven
5. Ms. Lisa Turner
6. Mr. Jorge Artalejo
7. Mr. James Perry

- 8. Mr. Steven Strumer
- 9. Mr. Augustine Lopez

Representative Robinson commented.

**1ST MOTION**

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **SUSPEND THE RULES** of Council to allow for additional speakers after the sign up period

**CONSENT AGENDA**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, 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, Noe, Holguin, Ortega, and Niland  
 NAYS: None

**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of July 17, 2012, and the Special City Council Meeting of July 11, 2012 (Budget Hearings for General Services, Sun Metro, Municipal Clerk, and Fire), and the Special city council Meeting of July 12, 2012, (Budget Hearings for Department of Public health, Information Technology, Engineering and Construction Management and City Development).

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

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

**3A.**

**\*RESOLUTION**

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

That the City Manager be authorized to sign a Third Amendment to the Industrial Site Lease by and between the City of El Paso (“Lessor”) and Avis Rent A Car System, Inc. (“Lessee”) to provide options to extend the Lease for additional periods for the following described property:

Lots 3 and 3-A, Block 1-C, El Paso International Airport Tracts Unit 6 Replat, El Paso, El Paso County, Texas and municipally known and numbered as 6520 Convair Road.

**3B.**

**RESOLUTION**

**1ST MOTION**

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

**2ND AND FINAL MOTION**

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

That the City Manager be authorized to sign a one year Agreement for Professional Services by and between the CITY OF EL PASO and WALTER P. MOORE AND ASSOCIATES, INC., a Texas Corporation, for a project known as "COMMUNICATIONS ENGINEERING ON-CALL CONSULTING SERVICES" for an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000) and that the City Engineer be authorized to approve up to \$50,000 in additional services for a total contract amount not to exceed THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000).

Motion made by Representative Byrd, seconded by Representative Acosta, and carried to **APPROVE AS REVISED**, the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega and Niland  
NAYS: Representative Robinson

Representatives Lilly, Byrd, Acosta, Robinson, Holguin, Ortega, and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. R. Alan Shubert, City Engineer, commented.

Mr. Miguel Gamino, Director, Information Technology, commented.

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**3C.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ERNESTO J LICON, 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 Chapter 9.04, the Environmental Services Department 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:

655 John Martin Court, more particularly described as Lot(s) 17 (15350.46 Sq Ft), Block 8, River Run #2 Subdivision, El Paso, El Paso County, Texas, Parcel # R577-999-0080-1700

to be \$203.51, 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 TWENTY SEVEN AND 51/100 DOLLARS (\$227.51). The City Council finds that the work was completed on the 29th day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED TWENTY SEVEN AND 51/100 DOLLARS (\$227.51) 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 Chapter 9.04 of the El Paso City Code, ADOBE HACIENDAS INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department 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:

4806 Titanic Avenue, more particularly described as Lot(s) 81, Sunrise Acres #2 Subdivision, El Paso, El Paso County, Texas, Parcel # S917-999-002C-5500

to be \$108.25, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED THIRTY TWO AND 25/100 DOLLARS (\$132.25). The City Council finds that the work was completed on the 10th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTY TWO AND 25/100 DOLLARS (\$132.25) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, FORREST H ELSTON, 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 Chapter 9.04, the Environmental Services Department 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:

335 Lynne Way, more particularly described as Lot(s) 6, Block 3, Millers Lakeside Subdivision, El Paso, El Paso County, Texas, Parcel # M452-999-0030-1600

to be \$224.89, 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 FORTY EIGHT AND 89/100 DOLLARS (\$248.89). The City Council finds that the work was completed on the 20th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED FORTY EIGHT AND 89/100 DOLLARS (\$248.89) 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 Chapter 9.04 of the El Paso City Code, TEMPLO RESTAURACION DIVINA (TEMPLE OF DIVE RESTORATION), 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 Chapter 9.04, the Environmental Services Department 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:

7588 North Loop Drive, more particularly described as Lot(s) 9-B (0.4395 AC) & 9-C (0.4349 AC) & 9-K (1.3079 AC) & 9-L (0.2539 AC) & Tract 17 BLK 19 Ysleta (2.4563 AC), Block 17, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel # Y805-999-017A-0906

to be \$446.26, 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 FOUR HUNDRED SEVENTY AND 26/100 DOLLARS (\$470.26). The City Council finds that the work was completed on the 27th day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED SEVENTY AND 26/100 DOLLARS (\$470.26) 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 Chapter 9.04 of the El Paso City Code, DAVID PENNY, 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 Chapter 9.04, the Environmental Services Department 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:

10012 Caribou Drive A&D, more particularly described as Lot(s) 4 (8398 Sq Ft), Block 10, Bellewood #4 Subdivision, El Paso, El Paso County, Texas, Parcel # B351-999-0100-0400

to be \$71.86, 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 FIVE AND 86/100 DOLLARS (\$95.86). The City Council finds that the work was completed on the 3rd day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount NINETY FIVE AND 86/100 DOLLARS (\$95.86) 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 Chapter 9.04 of the El Paso City Code, JOHN D HUNT, 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 Chapter 9.04, the Environmental Services Department 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:

6047 Deer Avenue, more particularly described as Lot(s) 38 (5096 Sq Ft) SR# TEX172015, Block 6, Deer Valley #1 Subdivision, El Paso, El Paso County, Texas, Parcel # D327-999-0060-7500

to be \$222.72, 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 FORTY SIX AND 72/100 DOLLARS (\$246.72). The City Council finds that the work was completed on the 15th day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED FORTY SIX AND 72/100 DOLLARS (\$246.72) 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 Chapter 9.04 of the El Paso City Code, CHRIS CZERWINSKY, 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 Chapter 9.04, the Environmental Services Department 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:

5476 Francisco Roque Lane, more particularly described as Lot(s) 33 (5979.18 Sq Ft), Block 4, Sandstone Ranch Estates #1 Subdivision, El Paso, El Paso County, Texas, Parcel # S138-999-0040-3300

to be \$120.84, 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 FOUR AND 84/100 DOLLARS (\$144.84). The City Council finds that the work was completed on the 10th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FORTY FOUR AND 84/100 DOLLARS (\$144.84) 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 Chapter 9.04 of the El Paso City Code, FELIX L LOSADA, 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 Chapter 9.04, the Environmental Services Department 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:

5408 Van Horn Drive, more particularly described as Lot(s) 3, Block 19, Sarah Anne Park #2 Subdivision, El Paso, El Paso County, Texas, Parcel # S162-999-0190-0500

to be \$148.03, 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 TWO AND 03/100 DOLLARS (\$172.03). The City Council finds that the work was completed on the 14th day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED SEVENTY TWO AND 03/100 DOLLARS (\$172.03) 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 Chapter 9.04 of the El Paso City Code, PAUL T GONZALES, 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 Chapter 9.04, the Environmental Services Department 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:

12112 Tower View Drive, more particularly described as Lot(s) 7 (4958.85 Sq Ft), Block 16, Villa Del Este #2 Subdivision, El Paso, El Paso County, Texas, Parcel # V655-999-0160-0700

to be \$96.88, 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 TWENTY AND 88/100 DOLLARS (\$120.88). The City Council finds that the work was completed on the 17th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED TWENTY AND 88/100 DOLLARS (\$120.88) 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 Chapter 9.04 of the El Paso City Code, REGINO VASQUEZ, 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 Chapter 9.04, the Environmental Services Department 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:

9184 Maria Court, more particularly described as Lot(s) 101 (6000 Sq Ft), Block 4, Alexander to Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel # A475-999-0040-1600

to be \$264.27, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED EIGHTY EIGHT AND 27/100 DOLLARS (\$288.27). The City Council finds that the work was completed on the 17th day(s) of February, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED EIGHTY EIGHT AND 27/100 DOLLARS (\$288.27) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, ZIA HOMES OF THE SOUTHWEST INC, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department 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:

1599 Whistler Lane, more particularly described as Lot(s) 2 (5211.92 Sq Ft), Block 2, Vista Ridge #1 Subdivision, El Paso, El Paso County, Texas, Parcel # V930-999-0020-0200

to be \$89.45, 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 THIRTEEN AND 45/100 DOLLARS (\$113.45). The City Council finds that the work was completed on the 31st day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED THIRTEEN AND 45/100 DOLLARS (\$113.45) 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 Chapter 9.04 of the El Paso City Code, JOSEPH ABRAHAM JR, 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 Chapter 9.04, the Environmental Services Department 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:

Alameda Avenue, more particularly described as Lot(s) 11-D-4-A (0.7606 AC) & 10-B-2-B (0.0821 AC) & 11-B-1 (0.0012 AC) (0.8439 AC), Block 35, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel # Y805-999-035E-1135

to be \$211.15, 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 FIVE AND 15/100 DOLLARS (\$235.15). The City Council finds that the work was completed on the 30th day(s) of September, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount TWO HUNDRED THIRTY FIVE AND 15/100 DOLLARS (\$235.15) 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 Chapter 9.04 of the El Paso City Code, JOSE L & 1 RIVERA, 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 Chapter 9.04, the Environmental Services Department 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:

1410 Delta Drive, more particularly described as Lot(s) 9 & 10 EXC E PT (55 Ft on Cotton Street 0.60 Ft on S 53.51 Ft on W 9 Ft on N), Block 63, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel # M028-999-0630-4300

to be \$81.46, 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 FIVE AND 46/100 DOLLARS (\$105.46). The City Council finds that the work was completed on the 10th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FIVE AND 46/100 DOLLARS (\$105.46) 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 Chapter 9.04 of the El Paso City Code, GENOVEVA M MONTOYA, 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 Chapter 9.04, the Environmental Services Department 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:

606 Val Verde Street, more particularly described as Lot(s) 7 & 8, Block 15, Val Verde Subdivision, El Paso, El Paso County, Texas, Parcel # V088-999-0150-0700

to be \$169.95, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED NINETY THREE AND 95/100 DOLLARS (\$193.95). The City Council finds that the work was completed on the 10th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED NINETY THREE AND 95/100 DOLLARS (\$193.95) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, MTZ CONTRACTING MANAGEMENT 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 Chapter 9.04, the Environmental Services Department 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:

1607 Wyoming Avenue, more particularly described as Lot(s) E 24 Ft of Lot 20 & W 1/2 of Lot 21 (4380 Sq Ft), Block 52, Franklin Heights Subdivision, El Paso, El Paso County, Texas, Parcel # F607-999-0520-5600

to be \$129.90, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY THREE AND 90/100 DOLLARS (\$153.90). The City Council finds that the work was completed on the 24th day(s) of January, 2012, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount ONE HUNDRED FIFTY THREE AND 90/100 DOLLARS (\$153.90) 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.

.....  
3D.

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

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

**WHEREAS**, Townsquare Live Events, LLC (hereinafter referred to as “Grantee”) is sponsoring The Mexican Food World Cook-Off (hereinafter referred to as “Event”), from Friday, August 3, 2012 through Sunday, August 5, 2012; and

**WHEREAS**, Osaple, Inc. (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**, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way and within San Jacinto Plaza during the Event; and

**WHEREAS**, Grantee and Licensee desire to obtain a permit or license from the Texas Alcoholic Beverage commission for the sale and service of alcoholic beverages in conjunction with the Event; and

**WHEREAS**, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages on City property; 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**, Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Oregon Street between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street, Main Drive between Oregon Street and Mesa Street, from 7:00 pm Friday, August 3, 2012 to 6:00 am Sunday, August 5, 2012, in conjunction with the proposed Event; and

**WHEREAS**, Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of San Jacinto Plaza during operating hours on both Saturday, August 4, 2012 and Sunday, August 5, 2012, in conjunction with the Event.

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

That Townsquare Live Events, LLC and Osaple Inc., be authorized to utilize San Jacinto Plaza from 1:00 am to 5:00 am Saturday, August 4, 2012, and Sunday, August 5, 2012; and that the sale and service of alcoholic beverages by Townsquare Live Events, LLC and Osaple Inc., in the closed portions of City rights-of-way on Oregon Street between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street and Main Drive between Oregon Street and Mesa Street, and in San Jacinto Plaza from 4:00 pm Saturday, August 4, 2012 to 2:00 am Sunday, August 5, 2012, in conjunction with the Mexican Food World Cook-Off, is a permissible activity.

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**4. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Micheal C. Wendt to the El Paso County 911 District Board of Managers by Mayor John F. Cook.

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**5. APPLICATION FOR TAX REFUNDS**

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

- A. Blockbuster, Inc., in the amount of \$2,872.92 overpayment of 2011 taxes. (PID #0832-999-1075-4034).
- B. Blockbuster, Inc., in the amount of \$4,349.85 *overpayment* of 2011 taxes. (PID #1994-999-0498-0042).
- C. Blockbuster, Inc., in the amount of \$2,990.21 overpayment of 2011 taxes. (PID #1994-999-0471-0042).
- D. Blockbuster, Inc., in the amount of \$4,778.19 overpayment of 2011 taxes. (PID #1997-999-1598-0034).
- E. Blockbuster, Inc., in the amount of \$3,167.23 overpayment of 2011 taxes. (PID #2004-000-1361-0014).
- F. Sierra Title in the amount of \$8,322.38 overpayment of 2011 taxes. (PID #C050-999-1520-4600).
- G. CoreLogic in the amount of \$3,697.50 overpayment of 2011 Taxes. (PID #B365-999-0010-1100).
- H. CMS c/o LPS Property Tax Service in the amount of \$4,117.34 overpayment of 2011 taxes. (PID #M765-999-0010-2100).
- I. Federal Home Loan Mtg. Corp. in the amount of \$3,092.13 overpayment of 2010 taxes. (PID #T179-000-0020-0400).

- J. Carrington Mortgage Services c/o of LPS in the amount of \$3,342.19 overpayment of 2011 taxes. (PID #V927-999-0350-4400).
- K. Oscar Favela in the amount of \$6,214.55 overpayment of 2011 taxes. (PID #W422-999-0010-0500).

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**6. DISCRETIONARY FUNDS**

Motion made by Representative Noe, seconded by Representative Acosta, and unanimously carried to **DELETE** the item regarding that the City Council declares that the expenditure of District Nos. 3, 5, 7, and 8 discretionary funds or any other Districts' discretionary funds, in the amount as determined by each contributing District, to offset a portion of No D.U.I. El Paso's costs in providing designated driver service trips that originate in El Paso at a rate of \$70 per trip, thereby serving as a crime prevention activity by reducing alcohol-related traffic accidents in El Paso and allowing the City to direct its resources toward other law enforcement activities, which serves a municipal purpose and is authorized.

Mayor Cook and Representatives Acosta, Noe and Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. Tyler D. Rouse, No D. U. I. El Paso, commented.

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**7. REQUEST TO ISSUE PURCHASE ORDER**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the issuance of a change order to a Purchase Order for Contract No. 2011-149R (PeopleSoft Re-Implementation Project) to CherryRoad Technologies Inc.

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

Department:	Information Technology
Award to:	CherryRoad Technologies Inc. Morris Plains, NJ
Total Estimated Award:	\$73,644.48
Account No.:	39010351 – 502202 – 01101
Funding Source:	General Fund

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Bruce Collins, Financial Services commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

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**8A. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-192 for Hondo Pass Environmental Services Remodel to Sunlight Enterprises Co., Inc., the highest ranked proposal, for an estimated total amount of \$266,000.

Department: Engineering & Construction Management  
Award to: Sunlight Enterprises Co., Inc.  
Base Bid: \$258,000  
Option No. 1 \$ 3,500  
Option No. 2 \$ 4,500  
Total Estimated Completion: \$266,000  
Funding Source: Environmental Operating funds

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

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

This is a lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

Representative Robinson commented.

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

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**8B. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2012-261 (Inflatable-Mobile Drive-through Pharmacy-Vaccination Shelter) to EMS Innovations, Inc. for a total award of \$91,584.

Department: Public Health  
Award to: EMS Innovations, Inc.  
Pasadena, MD  
Items: All  
Option: To purchase 100% at the same unit price if exercised within 90 days from date of award  
Unit Amount: \$15,264  
Total Award: \$91,584 (for 6 Units)  
Account No.: 41150023 – 508007 – 06340 – G411225  
Funding Source: OPHP Bio Terrorism – Public Safety Equipment

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

The Financial Services - Purchasing Division and Public Health recommend award as indicated to EMS Innovations, Inc., the sole responsive, responsible bidder.

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**9. INTRODUCTIONS**

Motion made by Representative Robinson, seconded by Mayor Pro Tempore 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:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None

- 9A.** An Ordinance vacating a portion of a 15 foot alley, Block 61, Supplemental Map No. 1 of East El Paso, City of El Paso, El Paso County, Texas. Applicant: Vasquez Realty Holdings, LLC., (SURW12-00001).
- 9B.** An Ordinance granting a special privilege license to Marcus Courts Partners, LP, owner, Lowbrow Palace, LLC and Drag-IN, LLC dba The Palomino, Lessees, for the construction, installation, maintenance, use, and repair of two outdoor patio cafes within portions of City right-of-way along East Robinson Avenue adjacent to the property located at 2601 North Mesa Street, also known as 111 East Robinson Avenue, and allowing the sale and service of alcoholic beverages as a permissible activity within the outdoor patio cafe areas (NESV11-00032).
- 9C.** An Ordinance amending Title 13 (Streets, Sidewalks and Public places), Chapter 13.24 (City Parks and Recreation Areas), of the El Paso City Code in its entirety by repealing Chapter 13.24 in its entirety and adopting a new Chapter 13.24 (City Parks and Recreation Areas) in its place to clarify department policies; the penalty being as provided in Section 13.24.220 and Sections 1.08.010-1.08.030 of the El Paso City Code.
- 9D.** An Ordinance amending Title 18 (Building & Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.106 (Permit Fees) of the El Paso City Code, to clarify the criteria for valuation of New Residential and New Commercial permit fees, the penalty being as provided in Section 18.02.111 (Violations and Penalties) of the El Paso City Code.
- 9E.** An Ordinance adopting the 2012 Edition of the International Energy Conservation Code as an Alternative Energy Conservation Code for the City and amending Title 18 (Building and Construction) of the El Paso City Code, to add Chapter 18.80 (Alternative Energy Conservation Code) and providing incentives for use of the Alternative Energy Conservation Code, the penalty being as provided in Section 18.02.107 (Violations and Penalties) of the El Paso City Code.
- 9F.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 27 and 28, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00010  
Applicant Information: Aurora A. Rosales, 200 Hardesty, El Paso, TX 79905.
- 9G.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 25 and 26, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00009  
Applicant Information: Maria Chaparro, 202 Hardesty, El Paso, TX 79905.
- 9H.** An Ordinance vacating a portion of 9.5' alley adjacent to Lots 16, 17 and 18, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00007 Applicant Information: Raul Dozal, 212 Hardesty, El Paso, TX 79905.
- 9I.** An Ordinance vacating a portion of 9.5' alley adjacent to Lot 15 and the north ½ of Lot 14, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00003 Applicant Information: Maria Teresa Siegemund, 214 Hardesty, El Paso, TX 79905.

- 9J. An Ordinance vacating a portion of 9.5' alley adjacent to Lots 8 and 9, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00004 Applicant Information: Noe Roberto Carreon, 220 Hardesty, El Paso, TX 79905.
- 9K. An Ordinance vacating a portion of 9.5' alley adjacent to Lot 6 and 7, Block 1, Map of Orchard Addition, City of El Paso, El Paso County, SURW12-00008. Applicant Information: Celia Romero, 222 Hardesty, El Paso, TX 79905.

**PUBLIC HEARING WILL BE HELD ON JULY 31, 2012, FOR ITEMS 9A –9K**

- 9L. An Ordinance changing the zoning of Tract 8C, Boothville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Investment Builders, Inc. Subject Property: 8628 North Loop Drive. PZRZ12-00011
- 9M. An Ordinance releasing all conditions placed on property by Ordinance No. 016861 which changed the zoning of Lot 1A, Block 1, Montecillo Unit 1 Replat A; and Lot 1, Block 2, Montecillo Unit Two, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Mesa Street at Montecillo Boulevard. Property Owner: EPT Mesa Development, L.P. PZCR12-00003.

**PUBLIC HEARING WILL BE HELD ON AUGUST 21, 2012, FOR ITEMS 9L – 9M**

**10. INTERNATIONAL BRIDGES**

\*Motion made, seconded, and unanimously carried to **DELETE** Solicitation No. 2012-193 (Single Space Parking Meters) to IPS, Group, Inc. for an initial term estimated award of \$1,708,080.

Department:	International Bridges
Award to:	IPS Group, Inc. San Diego, CA
Items:	All
Initial Term:	5 Years
Option:	None
Annual Estimated Award:	\$1,032,720 First Year, then \$ 168,840 each for Years 2, 3, 4 and 5
Initial Term Estimated Award:	\$1,708,080 (5 Years)
Total Estimated Award:	\$1,708,080 (5 Years)
Account No.:	Internal Financing through the Bridges Enterprise Fund
Funding Source:	Internal Financing through the Bridges Enterprise Fund

This is a low bid, service contract.

That the City Council authorizes the City Manager to execute any and all documents related to this transaction, and make any necessary budget transfers necessary to implement this project. The costs will be capitalized and payment budgeted annually from parking meter revenues over a period not to exceed the life of the assets.

The Financial Services - Purchasing Division and International Bridges recommend award as indicated to IPS Group, Inc., the lowest responsive, responsible bidder, and that Duncan Parking Technologies, Inc. be disqualified as non-responsive.

Representative Byrd commented.

Mr. Bruce Collins, Financial Services, commented.

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**11A. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** seventeen weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County, Texas; Parcel 2, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County, Texas and Parcel 3, A portion of S.J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County, Texas.

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**11B. CITY DEVELOPMENT**

\*Motion made, seconded, and unanimously carried to **POSTPONE** seventeen weeks the public hearing on an Ordinance to preserve in its natural state and in perpetuity acreage legally described as Parcel 1, Nellie D. Mundy Survey 246, City of El Paso, El Paso County Texas; Parcel 2, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1, City of El Paso, El Paso County Texas and Parcel 3, a portion of S. J. Larkin Survey, Abstract 10070, Tract 1-A, City of El Paso, El Paso County Texas.

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**12.**

**RESOLUTION**

**WHEREAS**, Texas Gas Service Company, an operating division of ONEOK, Inc. ("Company"), is a regulated utility subject to the exclusive original jurisdiction of the City of El Paso ("City") for rates services and operations within the City and operates pursuant to an assignment of a franchise previously granted to Southern Union Company;

**WHEREAS**, on April 2, 2012, the Company filed a Statement of Intent to Change Rates pursuant to Texas Utilities Code Sec. 104.301 (Interim Adjustment for Changes in Investment, also known as Gas Reliability Infrastructure Program, or "GRIP") requesting an interim adjustment of \$2,059,254.00 for the El Paso Service Area and specifying an effective date of June 1, 2012;

**WHEREAS**, the Company extended the effective date of its proposed adjustment in order to provide the City Council with additional time until July 24, 2012 to consider the proposal;

**WHEREAS**, the City Council finds that the Company gave notice of the increase by means of billing inserts starting on April 17, 2012 and ending May 16, 2012, not later than 45 days after April 2, 2012, proof of which is attached to this Resolution as Exhibit "A";

**WHEREAS**, the City Council finds that, calculations of return, depreciation, ad valorem taxes, income taxes and revenue related taxes are consistent with the findings of the Railroad Commission of Texas in Gas Utilities Docket 9988, PETITION OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONEOK, INC., FOR REVIEW OF RATESETTING ACTIONS OF THE MUNICIPALITIES OF CITY OF EL PASO, ANTHONY, CLINT, HORIZON CITY, SOCORRO AND VINTON;

**WHEREAS**, after negotiations between representatives of the Company and representatives of the City, the City Council finds that the request should be reduced in order to reflect changes in Accumulated Deferred

Income Taxes in order to comply with the statute, and the Company has provided additional schedules in which reflect the a reduction which schedules are attached to this Resolution as Exhibit "B";

**WHEREAS**, the City Council finds that a reasonable amount to represent the recovery permitted under the Texas Utilities Code Sec. 104.301 ("GRIP Statute") for the change in investment for the year ending December 31, 2011, is \$1,396,514.00, assigned to customer classes through a change in the customer charge for residential customers of \$0.41 per month, commercial \$1.33 per month, public authority \$4.70 per month, industrial \$15.69 per month, municipal pumping \$21.12 per month and transportation customers \$77.01 per month;

**WHEREAS**, the City Council finds that it is reasonable to allow the Company to defer recovery of expenses incurred by the City in connection with this proceeding until the next general rate case, such deferral to be without interest or return, and has engaged the firm of Mounce, Green, Myers, Safi Paxson & Galatzan to review the applications and engage in discussions with the Company;

**WHEREAS**, the City Council finds that the amount of Accumulated Federal Deferred Income Taxes ("ADFIT") included in the revised Schedule 2, represents a reasonable value of the change in the amount of ADFIT between December 31, 2010 and year end 2011 for purposes of this filing subject to the refund provisions of the GRIP statute,

**WHEREAS**, the City Council finds that the Company has agreed to file and should be ordered to file a full accounting explanation of ADFIT with its next general rate case, and

**WHEREAS**, the City Council finds that actual and estimated fees and expenses of \$7,000.00 are reasonable for the City's participation in this proceeding.

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

1. That Texas Gas Service Company be allowed to implement an interim rate adjustment pursuant to Texas Utilities Code Sec. 104.301, due to changes in the value of invested capital in the El Paso service area for the year ending December 31, 2011, for the El Paso Service Area distribution system allocated among customer classes as provided in the rate schedules attached as Exhibit "B" to this resolution effective for meters read on or after July 24, 2012, subject to the remaining terms of this Resolution.
2. That Texas Gas Service Company is ordered to continue to comply in all respects with the annual filings required under Texas Utilities Code Sec. 104.301.
3. That Texas Gas Service Company is ordered to reimburse the City for its expenses as invoiced by the City, not to exceed \$8,000.00, and that the recovery by Texas Gas Service Company of expenses (including expenses incurred by Texas Gas Service Company) related to this proceeding is deferred until the next general rate case, but no interest or return will be allowed on such recovery.
4. Texas Gas Service is ordered to file a full accounting explanation of the Accumulated Deferred Federal Income Taxes with its next general rate case. The City, as regulatory authority, may order refunds or otherwise take into account any corrections which need to be made to the ADFIT calculations in GRIP filings made prior to the general rate case. Until such rate case filing time, Texas Gas Service Company is not required to include ADFIT related to yearly differences between purchased gas costs and recovery in its GRIP filings.

5. That all relief requested by Texas Gas Service Company not granted herein is denied.

Representatives Byrd, Acosta, and Niland commented.

Mr. Norman Gordon, Outside Utilities Counsel, presented a PowerPoint presentation (copy on file in City Clerk's office).

Ms. Crystal Parker, Texas Gas Service, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. Joe De Alva, Texas Gas Service, commented.

Ms. Lisa Turner, citizen, commented.

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

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Holguin

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**13A. MAYOR AND COUNCIL**

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **DIRECT** the City Manager to come back to City Council with solutions within two weeks in regards to the South Side Neighborhood Association Neighborhood Block Party.

NOT PRESENT FOR THE VOTE: Representative Ortega

Representative Niland commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Mirian Spencer, City Development, commented.  
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**13B. MAYOR AND COUNCIL**

Motion made by Representative Byrd, seconded by Representative Ortega, and unanimously carried that City Council is **CLARIFYING** 1) that it is Council's intent to post the meetings of the City of El Paso Advisory Committee on Public Service Board (PSB) Land Management in accordance with the Open Meetings Act; 2) that City Council members will stay out of the meetings; 3) that City Council will formally request the PSB members to stay out of the meetings; and 4) schedule a joint meeting with City Council and the PSB to hear the Committee's recommendations.

NOT PRESENT FOR THE VOTE: Representative Lilly

Mayor Cook and Representatives Byrd, Robinson, Holguin, Ortega, and Niland commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

Ms. Lisa Turner, citizen, commented.

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**13C. MAYOR AND COUNCIL**

Motion made by Representative Noe, seconded by Mayor Pro Tempore Lilly, and carried to **APPROVE** the exception to the City of El Paso travel ban to Arizona to allow Mayor John F. Cook's acceptance to the U.S. Department of Commerce invitation by Assistant Secretary for Market Access and Compliance to participate as a panelist in the "Realizing the Economic Strength of Our 21<sup>st</sup> Century Border: Trade, Education, and Jobs" conference to be held at the Arizona State University on September 23-25, 2012. The conference will feature a panel of prominent mayors from both sides of the border. Mayor Cook will be paying all travel expenses with personal funds. **THE MOTION PASSED.**

AYES: Mayor Cook and Representatives Lilly, Robinson, Noe, and Niland

NAYS: Representatives Byrd, Acosta, Holguin, and Ortega

Mayor Cook broke the tie, voting Aye.

Mayor Cook and Representative Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland commented.

Ms. Lisa Turner, citizen, commented.

Ms. Sylvia Firth, City Attorney, commented.

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Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:58 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.

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 12:38 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** Public Utility Commission of Texas Docket No. 40343; SOAH Docket No. 473-12-6040, Application of El Paso Electric Company for Approval to Revise Its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Cost Caps.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried that the City Attorney be authorized to sign all documents necessary to resolve Public Utility Commission of Texas Docket No. 40343, Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Goals and Costs Caps, SOAH Docket No. 473-12-6040 as recommended by the City Attorney.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None

Mr. Norman Gordon, Outside Counsel, commented.

Ms. Lisa Turner, citizen, commented.

.....  
**EX2.** Public Utility Commission of Texas Docket No. 40347; Request of El Paso Electric Company to Adjust System-Wide Standards Pursuant to P.U.C. Subst. R. 25.52.

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and unanimously carried that the City Attorney be authorized to sign all documents necessary to resolve Public Utility Commission of Texas Docket No. 40347, Application of El Paso Electric Company to Adjust System-Wide Standards pursuant to P.U.C. Subst. R. 25.52 as recommended by the City Attorney.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland commented.  
NAYS: None

Mr. Norman Gordon, Outside Counsel, commented.

.....  
**EX3.** Public Utility Commission of Texas Docket 40547, Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff Pursuant to PURA §36.354.

**1<sup>st</sup> MOTION**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Ortega, and unanimously carried that the City Attorney be authorized to file an intervention and request for hearing on behalf of the City of El Paso in Public Utility Commission of Texas Docket No. 40547, Petition of El Paso Electric Company for Approval to Revise Military Base Discount Recovery Factor Tariff pursuant to PURA §36.354

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland  
NAYS: None

**2<sup>nd</sup> MOTION**

Motion made by Mayor Pro Tempore Lilly, seconded by Representative Niland, and unanimously carried that the City Attorney is authorized to initiate the process to seek amendment of Texas Utilities Code §36.354 to ease the burden on other ratepayers from the impact of the discount provided in §36.354.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

.....  
Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **ADJOURN** this meeting at 12:45 p.m.

APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk