JOE WARDY
MAYOR

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 20, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:00 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Mayor Joe Wardy recognized the 32 military students, in the audience, attending the Sergeant Major's Academy. Representative Cook added that the academy semester had been lengthen to nine months.

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Mayor Joe Wardy requested the audience maintain decorum.

Item: Discussion and action on ASARCO Air Permit Application, Number 20345, Texas Commission on Environmental Quality (TCEQ) Docket Number: 2004-0049-AIR, and the City of El Paso's position to said application. [State Senator Eliot Shapleigh]

Representative Cobos requested that the addition to the agenda item "Discussion on Mexican candy with high lead content" be discussed simultaneously.

State Senator Eliot Shapleigh recognized the students from the Sergeant Major's Academy and stated that El Paso was not on Toyota's short list due to our air quality.

Representative Cushing interjected that the Senator's statement was unreasonable and added that there were a variety of issues why Toyota had selected San Antonio. He requested that the discussion be devoid of inflammatory statements.

Senator Shapleigh gave a Powerpoint presentation (on file in the City Clerk's office) regarding ASARCO Air Permit Application, Number 20345. He explained that two months ago he had approached Texas Commission on Environmental Quality ("TCEQ") requesting that they hold a public hearing in El Paso on two issues: 1. What will 7,000 tons of pollutants do to El Paso's air quality; and 2. ASARCO'S compliance history for the past five years demonstrating that ASARCO does not live up to its word and denies responsibility. He requested that the Council attend that public hearing, put on a case, and defend the community. He enumerated the parties to suit, 1. ASARCO; 2. TCEQ's Executive Director, 3. Office of the Public Interest Council; and 4. City of El Paso. He stated that the City was the only entity who could move the issue forward. He stated ASARCO had filed a brief in Austin to try to kill the hearing. No brief was filed on behalf of El Paso.

He asked that the Council get involved, take a strong stand, put on a public hearing to discuss the 7,000 tons of emissions and what would happen to the quality of life in El Paso if we do not have a responsible corporate citizen regarding El Paso's air quality.

Mayor Joe Wardy stated that El Paso was on record at TCEQ for the contested case hearing and that the Council has stated publicly, numerous times, that El Paso would contest ASARCO's ability to continue its operation.

Senator Shapleigh responded that he had written a letter to the Mayor the same day he set the hearing, explaining that the City had to file a brief the next day by 5:00 p.m., due to ASARCO's desire to kill the hearing. He added that the Council had voted 6-1 not to file the brief. He wrote a second letter, outlining the posture of the case, asking the City to get involved and requesting that the City inform the Senator what action the City was going to take. He received no response. He explained that only after he placed the agenda item for today's meeting did he receive some response from the City.

Mayor Wardy disagreed and stated that the Senator's comment was disrespectful to the Council. He added that the Council had never waivered on its position for a contested case hearing with ASARCO; however, Council chose not to file a brief regarding ASARCO and TCEQ on the issuance the contested case hearing.

Senator Shapleigh responded that it was unclear to the public what the position of the Council was.

Representative Cook gave a Powerpoint presentation addressing the City's position on ASARCO's air quality permit renewal and the sequence of events. He summarized that, not only would the City testify at the public hearing, but would also be a full participant in the contested case hearing, to include the use of Legal Department staff and any necessary consultants.

Senator Shapleigh stated that the public does not want 7,000 tons of air contaminants in their air. He requested that the City actively participate in the public hearing in El Paso and hoped the Council would sponsor a resolution.

Representative Power made the following motion: That the City Council of the City of El Paso reiterate its existing position in opposition to the issuance of ASARCO's application for Air Permit Renewal No. 20345. Representative Lozano seconded.

Senator Shapleigh responded to questions of Council Members. Representatives Cobos and Rojas requested that Senator Shapleigh comment on their agenda items regarding Mexican candy with high lead content and issues relative to the Adult Protective Services. Senator Shapleigh responded that he had no notice of their desire that he appear to address those items, but that he would do so if he were still in the audience if they up for discussion before 10:30 due to his set appointments for the day.

The following individuals spoke in opposition to the air quality application renewal

Ms. Yvette Ramirez-Ammerman, citizen, explained that her family had moved to El Paso three years ago and that her then one-year-old daughter had since become contaminated by the lead in the soil in their backyard. She stated that while some children may not be damaged by lead exposure, for others, the damage is permanent and irreversible. She respectfully asked the Council to stand strong on the issue.

Mr. Mark Heins, native El Pasoan, grew up in the Kern/Mission Hills area and is a local businessman, owner of the Greenery Restaurant, remembers tasting sulfur dioxide, day in and day out, and not being able to take a full breath of air. He asked that, in addition to the motion, the Council consider bringing members of the community together to form committees that would diligently, effectively, and legally use the processes afford to its citizens and government to move forward and make El Paso a better place. He thanked the Council for taking the time to listen, making the commitment and earning the respect and thanks of a community.

Mr. Andy Krafsur, former bankruptcy trustee/bankruptcy attorney and President of Spira Footwear, noted that for 100 years, ASARCO operated as a lead smelter in an unregulated environment. He stated that, at a minimum, it was imperative that a thorough and independent assessment be done of the ASARCO facility, regardless of whether or not it was to be reopened. He made comments regarding bankruptcy and issues pertaining to clean up claims against ASARCO. He stated that the goal of Spira Footwear was to be a great company and to make El Paso a great city and that to achieve that goal of economic vitality the quality of life, including air quality, has to be improved.

Mr. Casey Antonio Williams, citizen, thanked the Council for approving the demonstration walk permit allowing citizens of El Paso to organize and rally against the ASARCO issue. He responded to comments previously made by Representatives Cushing, Austin and Cook and thanked Representative Lozano for his support in siding with the community and recognizing that the matter deserved a second look.

Mayor Wardy interrupted Mr. Williams and asked him not to preach to the Council, but to stick to the facts.

Mr. Williams then outlined his facts regarding ASARCO as an air polluter and one's participatory democracy demonstration by the crowd at Council today.

Representative Power amended his motion to include the following language: "and that the City will be a full participant as a named party in the contested case hearing". Representative Lozano seconded.

Motion made by Representative Power, seconded by Representative Lozano and unanimously carried that the City Council of the City of El Paso reiterate its existing position in opposition to the issuance of Asarco's application for Air Permit Renewal Number 20345 and that the City will be a full participant as a named party in the contested case hearing.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, Cobos, and Mayor Wardy
NAYS: None

NOTE: This item was discussed together with discussion on Mexican candy with high lead content.

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At this time, Council Members took a five-minute break.

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Mayor Joe Wardy reconvened the meeting.

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No action was taken on the discussion on Washington Trip and Success Stories.
[Phyllis Rawley, Executive Director for the El Paso Empowerment Zone]

Ms. Phyllis Rawley, Executive Director for the El Paso Empowerment Zone, presented and informed the Council with the Success Stories booklet for the 15 Round II Urban Empowerment Zones. She noted that the El Paso Empowerment Zone was entering its fifth year of operation (designated in 1999) and that to date had received over $24 million in funding, less than half of what had been intended and promised ($10 million per year). She reiterated that $308 million dollars allocated to the 15 Empowerment Zones, representing 90% of funding for Empowerment Zone, had been obligated and resulted in a total of $3.6 billion in direct and indirect support to residents. She answered questions from and responded to comments made by the Council Members.

Representatives Austin, Rojas, Escobar, Power, and Lozano asked questions of Ms. Rawley.

Mayor Joe Wardy commended Ms. Rawley on her good work.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone one (1) week the following item: Lead. [Lisa Turner]

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to move to the forefront of the regular agenda the discussion on Adult Protective Services Program and how the El Paso City Council can assist and enhance services with State Officials and local agencies.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: Representatives Power

Mr. Terry Hammond, guardianship and estate planning and probate attorney, made remarks regarding several cases of elderly person neglect by the Adult Protective Services ("APS") and the subsequent Executive Order for an independent investigation issued by Governor Rick Perry. He stated that the State of Texas appropriates $30 million a year to the Texas Adult Protective Services system and that the monies received for El Paso County APS has not been appropriately spent on APS client. He remarked that the City and County of El Paso, collectively, have not stood up to the Health and Human Services Commission, the Governor's Office and the Texas Legislature expressing outrage and requesting that these issues be addressed. He stated that any assistance from the Council Members would be greatly appreciated.

Representative Cushing asked Mr. Hammond what the Council could do to assist and thanked Mr. Hammond for coming today and voicing the concerns of those who could not do so for themselves.

Mr. Hammond requested that the Council Members speak to Governor Perry, Health and Human Services Commissioner, Albert Hawkins, the House Committee on Human Services, and the El Paso legislative delegation. He believed that the City Council and Commissioners Court members should communicate collectively with both the Legislature and State governments. He expressed that the issues of elderly neglect, abuse and exploitation are ongoing and continuous and suggested that the APS policies and procedures and employee training be revised and updated and that APS clean house of personnel leaving the persons at risk.

Representative Escobar complimented Mr. Hammond and Judge Hicks for their great efforts and compassion in representing the elderly population.

Representative Rojas explained that APS had been reorganized four years ago; however, the same problems/concerns exist today.

Representative Cook proposed that the City draft a strongly worded resolution and submit companion resolutions to the County Commissioners. He asked Mr. Hammond what support he had received from the State delegation on the matter.

Representative Cobos requested that Mr. Hammond avail himself to the Council for any questions and/or concerns that they may have.

No action was taken on the discussion on Adult Protective Services Program and how the El Paso City Council can assist and enhance services with State Officials and local agencies.

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No action was taken on the discussion on the lack of action by local State Representatives to respond to the over 400 residents of Council District #7 who signed a petition against the Cedar Oak Townhomes development project being built in their area and have not obtained a response to their request. The residents want their voices to be heard in Austin regarding this issue.

NOTE: Item was moved to the forefront of the regular agenda.

Representative Rojas introduced Ms. Dora Y. Oaxaca, representative from the office of State Representative Chente Quintanilla and noted that she would research the possible rezoning of the area to C-4 - excluding apartment construction as suggested by Representative Quintanilla. She stated, for the record, that currently 839 Section 8 and/or low-income apartments exist, with the possible addition of the 500 units within the Cedar Oak Townhomes development, 1,300 low income units would encompass that general area.

Ms. Oaxaca read a letter into the record from Representative Quintanilla and added that the Representative strongly supports the opposition of the proposed development; however, he strongly supports low cost tax credit affordable housing and public housing in his district, due to his opposition to the proliferation of colonias.

Mr. Art Rivera, citizen, read a brief statement into the record.

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MAYOR'S PROCLAMATION

1. Americans with Disabilities Act

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Motion made by Representative Cobos, seconded by Representative Cook 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 {*}).

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the Minutes for Regular City Council Meetings of July 7, and July 13, 2004, and Special City Council Meetings of July 9, (CDBG), and July 12, 2004 (City Manager).

Representatives Austin and Rojas were not present for the vote.

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***RESOLUTION**

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

THAT the Mayor be authorized to sign an Agreement between the City of El Paso and the El Paso Hispanic Chamber of Commerce to co-sponsor the International Trade Conference at the Airport Hilton Hotel on August 5, 2004.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract for Advertising between the CITY OF EL PASO and AMIGO AIRSHO, INC. for the air show at Biggs Army Airfield, Ft. Bliss, Texas, on October 22, 23 and 24, 2004. The amount of the contract shall not exceed $20,000.00.

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***RESOLUTION**

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

That the Director of Aviation be authorized to submit a grant application to the Federal Aviation Administration (FAA), and be designated the official representative of the City to act in connection with the application for the Airport Improvement Program (AIP), Project No. 3-48-0077-21-04;

And that, upon approval and issuance by the FAA, the Mayor be authorized to accept and sign the anticipated grant agreement, and other necessary documents when the form and substance of those documents has been approved by the City Attorney, or her designee;

And that the Mayor be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant.

The grant amount shall not exceed $16,863,358, and will be matched by $2,862,012 in Airport funds.

The grant will be utilized for the following projects:

- **Airfield Lighting and Controls** – This project will provide for the reconstruction of the Airport's airfield lighting system, as well as the construction of a new airfield lighting vault and control system.

- **Runway 4-22, Taxilane G and Taxiway H Pavement Rehabilitation** – This project will provide for the milling and replacing of the keel section of Runway 4-22, Taxilane G and a portion of Taxiway H with hot-mixed asphaltic concrete.

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***RESOLUTION**

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

That the El Paso Museum of Art be authorized to serve alcohol at One Arts Festival Plaza at the Museum foundation fundraiser preview dinner for "Texas Flags" exhibition on the evening of September 10, 2004.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD DEL HIERRO,** to assist the El Paso Water Utilities as a Programmer Analyst at a biweekly rate of $1,756.60 for 40 hours per week. The term of the contract shall be for the period of August 13, 2004 through August 12, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROBERT GUILLEN,** to assist the El Paso Water Utilities as a Web Site Developer at a biweekly rate of $1,599.00 for 40 hours per week. The term of the contract shall be for the period of August 1, 2004 through July 31, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **YADIRA SAENZ DEL CAMPO,** to assist the El Paso Water Utilities as a Programmer Analyst at a biweekly rate of $1,599.08, for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **YASMIN M. LOPEZ,** to assist the El Paso Water Utilities as a Programmer Analyst, at a biweekly rate of $1,838.68, for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD E. DYER,** to assist the El Paso Water Utilities as a Geographic Information Systems Specialist at a biweekly rate of $1,436.97 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ARMANDO R. RENTERIA,** to assist the El Paso Water Utilities as an Information Services Manager at a biweekly rate of $3,100.85 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ALFREDO SOLANO,** to assist the El Paso Water Utilities as a Database Administrator at a biweekly rate of $2,152.52 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS F. BROWN,** to assist the El Paso Water Utilities as a PC/LAN Specialist I at a biweekly rate of $1,402.94 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **DAVID P. WOLKING,** to assist the El Paso Water Utilities as an Applications Support Administrator at a biweekly rate of $2,101.33 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **EDGARDO CHACON,** to assist the El Paso Water Utilities as a Network Administrator at a biweekly rate of $2,277.17 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE A. GRANILLO,** to assist the El Paso Water Utilities as a Geographic Information Systems Administrator at a biweekly rate of $2,136.38 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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***RESOLUTION**

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

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE E. ESQUIVEL,** to assist the El Paso Water Utilities as a Programmer Analyst at a biweekly rate of $1,760.62 for 40 hours per week. The term of the contract shall be for the period of July 20, 2004 through July 19, 2005.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign a Fourth Amendment to the Facility Management and Tourism Agreement by and between the City of El Paso and SMG, a Pennsylvania general partnership, to manage the Plaza Theatre in accordance with this agreement.

Representatives Austin and Rojas were not present for the vote.

NOTE: Resolution was revised from "Third" to "Fourth" Amendment.

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***RESOLUTION**

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

That the Mayor be authorized to accept, on behalf of the City, a donation from Desert Eagle Distributing Company, in the amount of $1,000.00, to be utilized for marketing/advertising promotion in connection with the Mission Trail Harvest Market, and that the Mayor and appropriate City staff be authorized to execute any documents to appropriate the donated funds.

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***RESOLUTION**

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

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement:

Frank Dimas (Neighborhood Park Watch)	Sunrise Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

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

That the Mayor be authorized to sign the Consulting Contract with CEHP, Inc., providing for an investigation and audit of the City's Parks and Recreation Department, with a special emphasis on Land Management and Recreation Services. Costs of the services shall not exceed $25,000.

Representative Power asked Dr. Norman Merrifield, Director of Parks & Recreation, why an audit was necessary and what the scope of work would encompass.

Dr. Merrifield explained that the audit would identify the strengths and challenges of the department to provide a more professional business approach in determining what programs the Department would offer the community and residents. He provided additional information regarding the Consulting Contract with CEHP, Inc.

Mayor Joe Wardy added that he had encouraged Dr. Merrifield to pursue the audit to look at benchmark programs and the possibility of adding a Turf Manager position.

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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***RESOLUTION**

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

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.**, for a project known as **"Westside Regional Park and Recreation Center"**, in an amount not to exceed SEVEN HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED TWENTY-TWO and 00/100 DOLLARS ($777,222.00) for completion of design and construction-related services. This is a 2000 Quality of Life Bond Project.

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*RESOLUTION

WHEREAS, the municipal regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and the general welfare of its citizens; and

WHEREAS, the Neighborhoods First! Program has been established by the Office of the Mayor to promote the creation of neighborhood associations throughout the City of El Paso and foster greater civic involvement of neighborhood associations; and

WHEREAS, a neighborhood planning focus was initiated in August of 2002 with the adoption of the Neighborhoods Matter! Program, an initiative administered in the Planning, Research and Development Department to establish neighborhood plans; and

WHEREAS, the Neighborhoods First! Program fosters communication between neighborhood associations and city governments on plans, proposal, and activities affecting their areas and builds on the work of neighborhood planners in the Neighborhoods Matter! Program; and

WHEREAS, land development decisions can significantly affect the quality of life of neighborhoods; and

WHEREAS, the El Paso City Council requested that a modification to the zoning regulations be made to adopt the Neighborhood Association Recognition Ordinance; and

WHEREAS, the Neighborhood Association Recognition Ordinance carries out the purpose and spirit of the polices expressed in *The Plan for El Paso* and the Neighborhoods First! Program with responsibilities for the program assigned to the Neighborhoods First! Program and the department of Planning, Research and Development; and

WHEREAS, in the first six months of the Neighborhoods First! Program there are over forty recognized neighborhood associations in the City of El Paso.

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

1. THAT the El Paso City Council hereby approves the submission and nomination of the Neighborhood Recognition Ordinance adopted on December 16, 2003, for a 2004 Texas APA (American Planning Nomination) Award under the category of "Current Planning Award" and

2. THAT the El Paso City Council hereby authorizes George G. Sarmiento, Director of the department of Planning, Research, & Development, to sign the completed award nomination forms and all other related documents for submission of the Neighborhood Association Recognition Ordinance to the Texas APA prior to the July 23, 2004 deadline.

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*RESOLUTION

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

That the Mayor be authorized to sign all necessary documents and accept a Grant Award for an Automobile Theft Prevention Grant (Grant Number SA-T01-10050-05) from the Texas Automobile Theft Prevention Authority (ATPA), in the amount of $746,000 for the purpose of continuing the efforts of the Department in reducing auto theft in the El Paso County. An in-kind match in the amount of $1,523,713.42 is required.

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*RESOLUTION

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

That the Interim Chief of Police be authorized to submit an on-line grant application from the El Paso Police Department and the Mayor be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, to the U.S. Department of Justice, Bureau of Justice Assistance, and to the Office of the Governor as necessary for a Local Law Enforcement Block Grants Program (LLEBG) grant in the amount of $163,591 for the purpose of underwriting projects to reduce crime and improve public safety in the areas indicated under program purpose areas. Matching funds are required in the amount of $18,177 (confiscated funds account number 21150060-16371-500231). In the event of loss or misuse of Local Law Enforcement Block Grant funds, the City of El Paso assures that the funds will be returned to the Office of the Governor, Criminal Justice Division, or other appropriate agency in full.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, Section 271.114(a) of the Texas Local Government Code requires the governing body of a governmental entity that is considering a construction contract of a facility using any of the alternative project delivery methods set out in section 271.113 of the Texas Local Government Code, other than competitive bidding, before advertising proposals for construction services, to determine which method provides the best value to the governmental entity; and

WHEREAS, the City Council of the City of El Paso, by resolution dated March 12, 2002, has previously adopted to use the competitive sealed proposal method to procure contracts for the construction of facilities and has previously determined that using the competitive sealed proposal method provides the best value to the City when procuring contracts for construction of facilities; and

WHEREAS, the City Council of the City of El Paso now adopts to use any of the following methods that provides the best value to the City when entering into a contract for the construction of a facility:

1) competitive sealed proposal,
2) design build, or
3) job order contract for the minor construction, repair, rehabilitation or alteration of a facility if the work is of a recurring nature but the delivery times are indefinite and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks.

WHEREAS, the City Council of the City of El Paso hereby designates the Director of Purchasing to determine, before advertising, which one of the above methods provides the best value to the City;

WHEREAS, adopting to use the design build method will require an amendment to Title 2 of the City's Municipal Code to set out the selection procedures.

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

THAT the City of El Paso hereby adopts to use any of the following methods that provides the best value to the City when entering into the a contract for the construction of a facility:

1) competitive sealed proposal,
2) design build, or
3) job order contract for the minor construction, repair, rehabilitation or alteration of a facility if the work is of a recurring nature but the delivery times are indefinite and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks.

THAT the City Council of the City of El Paso hereby designates the Director of Purchasing to determine, before advertising, which one of the above methods provides the best value to the City.

THAT City Council hereby directs staff to amend Title 2 (Administration and Personnel) to establish selection procedures for design build firms.

Mr. Byron Johnson, Director of Purchasing, explained that the resolution language would improve the methodologies used by the Purchasing Department when awarding design building and job order contracts.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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***RESOLUTION**

WHEREAS, section 271.114(b) of the Local Government Code requires that a governmental entity that is using the alternative project delivery methods, for selecting a contractor for the construction services of a facility, to publish in the request for proposals all the criteria that will be used to evaluate the offerrors and the relative weights given to the criteria; and

WHEREAS, section 271.116(f) of the Local Government Code also requires that the governmental entity shall select the offerror that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City of El Paso, by resolution dated April 23, 2002, has previously determined that the criteria, and the relative weights, that provides the best value to the City when entering into a contract for the construction of a facility was:

- the purchase price - which allows for a maximum of 70 points;
- the offerror's past relationship with the City - maximum of 10 points;
- the offerror's experience and qualifications - maximum 10 points; and
- the health benefits the offerror provides to its employees - maximum 10 points; and

WHEREAS, the City Council of the City of El Paso now determines that the criteria, and the relative weights, that provides the best value to the City when entering into a contract for the construction of a facility is:

- the purchase price – which allows for a maximum of 65 points;
- the offerror's past relationship with the City - maximum of 10 points;
- the offerror's experience and qualifications - maximum 10 points;
- the health insurance benefits the offerror provides to its employees where 60% or more of the cost must shall paid by the offerror/employer - maximum 5 points;
- the prime contractor has a local project manager – maximum 5 points; and
- Local subcontractors shall work a total of 75% or more of the cumulative total of all subcontracting work – maximum 5 points.

*Local is defined as the ability to respond on site to a project emergency within a thirty-minute time frame

*Project Manager is defined as the employee in charge of the project and that has the authority to take action on the project.

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

THAT the criteria, and the relative weights, that will be published and used to evaluate which offerror provides the best value to the City when entering into a contract for the construction of a facility is:

- the purchase price – which allows for a maximum of 65 points;
- the offerror's past relationship with the City - maximum of 10 points;
- the offerror's experience and qualifications - maximum 10 points;
- the health insurance benefits the offerror provides to its employees where 60% or more of the cost must shall paid by the offerror/employer - maximum 5 points;
- the prime contractor has a local project manager – maximum 5 points; and
- Local subcontractors shall work a total of 75% or more of the cumulative total of all subcontracting work – maximum 5 points.

*Local is defined as the ability to respond on site to a project emergency within a thirty-minute time frame

*Project Manager is defined as the employee in charge of the project and that has the authority to take action on the project.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

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

That the Mayor be authorized to sign an appraisal services agreement, pursuant to requirements set forth in 19.44 of the City of El Paso Municipal Code, with Ralph Sellers & Associates, for the appraisal of a .1107 acre portion of Pizarro Road, as more fully described in such appraisal services agreement as made part of City street vacation application SV04003.

Mr. Byron Johnson, Director of Purchasing, stated that the appraisal would be given to the Department no later than July 29, 2004, following receipt of the check by the applicant for the appraisal services, City staff would then issue the Notice to Proceed to the appraiser.

Representative Cobos made comments.

Mr. Terry Squires, property owner, reserved his comments for the August 3, 2004, public hearing.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above resolution.

Representatives Austin and Rojas were not present for the vote.

NOTE: This resolution was discussed together with the introduction of an ordinance vacating a portion of Pizarro Road adjacent to Lot 9, Block 59 and Lot 13, Block 71, Coronado Hills Subdivision Unit 6, City of El Paso, El Paso County, Texas.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Representatives Austin and Rojas were not present for the vote.

Subdivision:	Butterfield Trail Aviation Park, Unit Two
Owner/Developer:	City of El Paso
Consultant:	Huitt-Zollars Inc.

Street Improvements:

Global Reach Drive (120 ft. R.O.W.) - from the north subdivision boundary line to the south subdivision boundary line

Drainage Improvements:

Storm Drainage System - 27-4 Grate Drop Inlet Type I; 5-4 Grate Drop Inlet Type III; 80 ft. of 24" R.C.P; 100 ft. of 30" R.C.P.; 101 ft. of 36" R.C.P.; 1940 ft. of 42" R.C.P.; 2102 ft. of 48" R.C.P.; 2169 ft. of 54" R.C.P.; 975 ft. of 60" R.C.P.; 1457 ft. of 66" R.C.P.; and 24- Cast-In-Place Type "M" Manhole

Global Reach Drive – 3 - Culvert Crossing with Concrete Headwall and Rock Rip-Rap; 760 ft. 18" R.C.P.; and 740 ft. of 24" R.C.P.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Industrial Engineer Associate I (1)

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to re-appoint Rene Daniel Pena to the City Employees' Pension Fund Board of Trustees by Mayor Joe Wardy.

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

Representatives Austin and Rojas were not present for the vote.

A. PID #C340-999-1490-0400, $309.27 per month installments on a balance of $5,566.86 for 2003 taxes; Joel T. & Devon Y. Culbert - 6132 La Posta.

B. PID #G431-999-0050-4300, $341.73 per month installments on a balance of $2,050.38 for 2003 taxes; Sandra A. Hutchins, Billy L. & Mary M. Hutchins – 4733 Fairbanks.

C. PID #M028-999-0820-5600, $232.01 per month installments on a balance of $2,088.09 for 1998, 1999, 2000, 2001 & 2002 taxes; Manuel V. Martinez – E. San Antonio.

D. PID #T109-999-0210-6400, $174.53 per month installments on a balance of $3,141.54 for 1999 & 2001 taxes; Victor & Irma I. Valdez – 6216 Cibolo Ct.

E. PID #A491-999-0010-6700, $315.16 per month installments on a balance of $3,781.92 for 2003 taxes; Rodney Torrez – 96 Northwind Dr.

F. PID #C340-999-0260-0500, $410.37 per month installments on a balance of $4,924.44 for 2003 taxes; Thomas A. Herbert – 6209 Los Altos.

G. PID #C340-999-1280-1700, $214.44 per month installments on a balance of $3,002.16 for 2003 taxes – Rosario & Manuel Maynez - 745 Villa Flores Dr.

H. PID #E054-999-0010-0300, $246.73 per month installments on a balance of $2,960.76 for 2003 taxes; Ernest Eric Peña – 3017 –3023 E. Glen Dr.

I. PID #E378-999-002A-1300, $537.03 per month installments on a balance of $6,444.36 for 2003 taxes; Ernest R. Martinez – 6455 Hiller.

J. PID #M771-999-0290-0100, $232.44 per month installments on a balance of $2,789.28 for 2003 taxes; Josefina H. Avila – 1815 Wendy Reed.

K. PID #'s M794-999-0390-2100, 2001-999-4355-0034, M794-999-0390-2100, V088-999-0030-4500 & V088-999-0030-3300, $541.88 per month installments on a balance of $9,753.84 for 2003 taxes; Antonio & Enriquet Godinez – 4025 Van Buren.

L. PID #'s M985-999-0030-8100, M985-999-0030-6500, V088-999-0030-4100 & V088-999-0030-3700, $964.79 per month installments on a balance of $17,366.22 for 2003 taxes; John Godinez – 1661 Rim.

M. PID #S533-000-0070-1750 & S533-000-0070-14B0, $488.85 per month installments on a balance of $5,866.20 for 2003 taxes; Ramon Sanchez, Jr., – 9967 Alameda Ave Rear.

N. PID #A765-999-002M-0923, $1,306.30 per month installments on a balance of $15,675.60 for 2002 & 2003 taxes; Gloria Rajme – 6210 Montana.

O. PID #P481-999-0210-4700, $289.83 per month installments on a balance of 2,028.81 for 2003 taxes; Saul & Corinna Martinez – 2701 Fierro.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following tax refund be approved:

Land America Tax and Flood Services in the amount of $5,367.20, overpayment of 2002 taxes. (PID #M344-999-0160-3500)

Representatives Austin and Rojas were not present for the vote.

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*Motion made Representative Cobos, seconded Representative Cook and unanimously carried to approve the request to disburse $1,000.00 from the District 1 Discretionary Funds for the Keep El Paso Beautiful Community Tool Sheds program.

Representatives Austin and Rojas were not present for the vote.

NOTE: Dollar amount of request was revised from "$500.00" to "$1,000".

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the request authorizing to allocate $2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to authorize the use of District 5 discretionary funds in the amount of $4,549.54 for installation of two (2) speed humps to be located between 11555 & 11559 Pratt, and between 11637 & 11641 Pratt.

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2004-187R Wireless Local Area Network Service Concessionaire

Representatives Austin and Rojas were not present for the vote.

Award to:	Opti-Fi Networks Annapolis, MD
Item (s):	All (Option #2)
Amount:	$3,600.00 (Minimum Annual Guarantee for the first year of the contract)
Department:	Department of Aviation
Funds available:	Revenue Contract
Funding source:	Revenue Contract
Total award:	$3,600.00 (Minimum Annual Guarantee for the first year of the contract)

The Review Committee for the Wireless Local Area Network Service Concessionaire's RFP for the Department of Aviation recommends award as indicated. Opti-Fi Networks submitted the highest ranked proposal to meet the needs of the City, therefore this agenda item is that City Council award RFP 2004-187R as indicated to the highest ranked proposal.

Wireless High Fidelity (Wi-Fi) is an advanced data communications technology utilizing a wireless systems infrastructure to deliver very fast, high quality and convenient access to the Internet. Wi-Fi can enable secured private access through the Internet for the traveling public to access their respective services. Areas for which services would be provided include passenger waiting and holding areas, and within the Airport's restaurants and bar areas.

This is a concession, revenue-generating contract for five (5) years at the El Paso International Airport. The Minimum Annual Guarantee is the greater of 18% of gross revenues, or the Minimum Annual Guarantee reflecting a graduated scale ranging from $3,600 for the first year to $18,000 cumulative through the fifth year.

Vendor offers the City the option of extending the term of the contract for twenty-four (24) additional months at the same unit prices, if the option is exercised within two (2) years from the date of award of the contract. The Contract will officially begin at 12:01 A.M., July 21, 2004.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2004-164 Municipal Separate Storm Sewer System for Water Quality Phase II

Representatives Austin and Rojas were not present for the vote.

Contractor:	Gemco Construction, Inc. El Paso, Texas	
Department:	Street Department	
Funds Available:	31130007-PPW0036001-26227-508027	
Funding Source:	Flood Control General Obligation Bonds 2000A Issue	
Items:	Base Bid	$263,926.00
	Alternate I	$ 19,936.00
Total Award:		$283,862.00

The Departments of Purchasing, Engineering and Streets, recommend the award of this contract to Gemco Construction, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed $25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2004-186 Jet Bridge, Parts & Service

Representatives Austin and Rojas were not present for the vote.

Award to:	Thyssenkrupp Airport Systems, Inc. Ft. Worth, TX
Item (s):	1 and 2A
Amount:	$106,000.00 (Estimated)
Department:	Department of Aviation
Funds available:	62620003-503121-40101
Funding source:	Airport Operating Fund
Total award:	$106,000.00 (Estimated)

The Department of Aviation and the Purchasing Department recommend award as indicated to the sole responsive offer that was received.

This is a twenty-four (24) month requirements-type Contract for the El Paso International Airport.

Vendor offers the City the option of extending the term of the contract for twelve (12) additional months at the same unit prices, if the option is exercised within one (1) year from the date of award of the contract.

Vendor does not offer a prompt payment discount.

The Contract will officially begin at 12:01 AM, July 21, 2004.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete Bid No. 2004-188 5,000 Gallon Water Tanker

Representatives Austin and Rojas were not present for the vote.

Award to:	Wagner Equipment Company El Paso, TX	
Item (s):	Item 1 – 5,000 Gallon Water Tanker	$231,877.00
	Item T-1 Trade-In	- $40,000.00
Amount:		$191,877.00

Department:	Solid Waste Management
Funds available:	508029-40415-34340200 ($191,877.00)
Funding source:	FY2004 Solid Waste Management Revenue Bonds
Total award:	$191,877.00

The Fleet Services, Solid Waste Management Department, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase a 5,000 Gallon Water Tanker. There is an option to purchase up to one hundred percent (100%) of the original contract quantity, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete Bid No. 2004-189 Track-Type Tractor (Dozer)

Representatives Austin and Rojas were not present for the vote.

Award to:	Road Machinery Company El Paso, TX
Item (s):	Alternate Bid 2

Item 2 - Track-Type Tractor (Dozer)	$ 349,872.00
Options O2	$ 27,173.00
Item 2A - 5 Year Repair Expenses	+121,575.00 (Not to Exceed)
	$498,620.00
Item 3A - Guaranteed Repurchase Price	-121,600.00
	$377,020.00

Department:	Solid Waste Management
Funds available:	508029-40415-34340200 ($377,045.00) 502300-40403-34010296 ($121,575.00)
Funding source:	FY2004 Solid Waste Management Revenue Bonds FY2004-FY2008 Solid Waste Management Operating Funds
Total award:	$498,620.00

The Fleet Services, Solid Waste Management Department and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase a Track-Type Tractor (Dozer). There are options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the options are exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2004-207 Vehicle Washing

Representatives Austin and Rojas were not present for the vote.

Award to:	Vintage Car Wash & Lube El Paso, Texas
Item (s):	#1, #2, #3 & #4 (all)
Amount:	$25,000.00 (estimated annually)
Department:	Fleet Services
Funds available:	37370510-503125-45202
Funding source:	Fleet Service Internal Service Fund
Total award:	$75,000.00 (estimated)

The Fleet Service and Purchasing Departments recommend award as indicated to the sole responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

NOTE: Bid was revised from "Vintage Car Wash" to "Vintage Car Wash and Lube".

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve budget transfer BT2004-940 PARKS AND RECREATION

Representatives Austin and Rojas were not present for the vote.

This budget transfer requests the transfer of an existing appropriation to fund increased expense for portable restrooms.

Increase	$15,000	to	51010216/01101/502411	LeaseNOC
Decrease	$15,000	from	51010262/01101/502212	Security

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve budget transfer BT2004-951 LIBRARY

Representatives Austin and Rojas were not present for the vote.

Increase TSLA Grant #470-04005 due to additional funding that was awarded.

Increase	$38,587	to	53150006/G53040307015/406001	StGrntProc
Increase	$ 87	to	53150006/G53040307015/502301	MtrPoolUse
Increase	$ 100	to	53150006/G53040307015/503100	Office Sup

Increase	$ 75	to	53150006/G53040307015/504003	Postage
Increase	$ 25	to	53150006/G53040307015/504004	Shipping
Increase	$ 200	to	53150006/G53040307015/504201	Travel Exp
Increase	$39,400	to	53150006/G53040307015/508039	LibBk-Hrdbk
Increase	$ 300	to	53150006/G53040307015/508041	LibMtlPer/Sub
Decrease	$ 1,500	from	53150006/G53040307015/502215	Otsd Cont
Decrease	$ 100	from	53150006/G53040307015/504203	Mileage Allow

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve budget transfer BT2004-956 HEALTH

Representatives Austin and Rojas were not present for the vote.

Additional State funding for State Lab renovations. This project will design the upgrade of the facility for public health threats and emergencies.

Increase	$34,600	to	41150023/G41042506086/406001	StGrntProc
Increase	$ 3,500	to	41150023/G41042506086/501011	Salary
Increase	$ 426	to	41150023/G41042506086/501108	POS City Cont
Increase	$ 140	to	41150023/G41042506086/501114	Life Ins
Increase	$ 200	to	41150023/G41042506086/501124	City Pension
Increase	$ 160	to	41150023/G41042506086/501129	FICA City
Increase	$ 54	to	41150023/G41042506086/501130	FICA Med Cty
Increase	$18,000	to	41150023/G41042506086/502215	Otsd Cont
Increase	$ 613	to	41150023/G41042506086/502302	Print Shop
Increase	$ 5,120	to	41150023/G41042506086/503100	Office Sup
Increase	$ 2,000	to	41150023/G41042506086/504201	Travel
Increase	$ 1,000	to	41150023/G41042506086/508012	Sci/Med Eqp
Increase	$ 3,387	to	41150023/G41042506086/508010	MajCompEq

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve budget transfer BT2004-984 HEALTH

Representatives Austin and Rojas were not present for the vote.

Building and Planning Services, on behalf of the City-County Health Dept., proposes to appropriate $272,080 from a Dept. of Health and Human Services Health Resources and Services Administration grant to fund construction of the Medical Examiners Facility project. This is the initial appropriation of these grant funds. (District 1)

Increase	$272,080	to	41150015/PPWHE0400205533/406001	St Grant Proc
Increase	$ 4,200	to	41150015/PPWHE0400205533/508022	Administration
Increase	$267,880	to	41150015/PPWHE0400205533/508027	Construction

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*Motion made by Representative Cobos, seconded Representative Cook and unanimously carried to approve budget transfer BT2004-985 HEALTH

Representatives Austin and Rojas were not present for the vote.

Building and Planning Services, on behalf of the City-County Health Dept,. proposes to appropriate $200,000 from a State Public Health Prep FY04 grant to the Medical Examiners Facility project to fund construction.

Increase	$200,000	to	41150023/PPWHE0400206086/406001	St Grant Proc
Increase	$200,000	to	41150023/PPWHE0400206086/508027	Construction

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-600 watts, 3 microphones, & 2 speakers) at the Boys Club Park - 811 S. Florence St. on July 23, 2004 from 6:00 p.m. to 9:00 p.m. Approximately 6 persons will take part and 2,000 spectators are anticipated. PERMIT NO. 04-065
[Elena Delman]

Representatives Austin and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the request of Sammy Gabriel to block off Cedar Oak Drive between Casa View Drive and Cedar Crest Drive on August 3, 2004 from 6:00 p.m. to 9:00 p.m. for a neighborhood watch party. Approximately 60 persons and 10 animals will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 04-066 [Sammy Gabriel]

Representatives Austin and Rojas were not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Austin and Rojas were not present for the vote.

A. An Ordinance vacating a portion of Pizarro Road adjacent to Lot 9, Block 59 and Lot 13, Block 71, Coronado Hills Subdivision Unit 6, City of El Paso, El Paso County, Texas.

B. An Ordinance vacating a ten-foot (10') Utility Easement located within a portion of Lots 13A and 13B, Country Club Place Subdivision, City of El Paso, El Paso County, Texas.

C. An Ordinance vacating a thirty-foot (30') wide utility easement located within a portion of Lot 2, Block 2, Park West Unit One, Replat "B" and a portion of Lot 4, Block 2, Park West Unit One Replat "C", City of El Paso, El Paso County, Texas.

PUBLIC HEARING WILL BE HELD ON AUGUST 3, 2004 FOR ITEMS A – C

D. An Ordinance changing the zoning of Tract 17C157, Block 79, Section 8, Township 2, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Joe Battle Boulevard North of Lorenzo Ruiz Avenue) from R-3 (Residential) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant / Representative: Ramon Salais; 12216 Myrna Deckert Drive, El Paso, TX 79936. ZON04-00074

E. An Ordinance changing the zoning of Parcel 1: A portion of Tract 44C, O. A. Danielson Survey No. 310, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions; and Parcel 2: A portion of Tract 44C, O. A. Danielson Survey No. 310, El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Alameda Theatre, Inc. and Delmo and Martha Pearce Family Partnership, Ltd. / Representative: Roe Engineering, L.C.; 601 N. Cotton Avenue, Suite 6, El Paso, TX 79902 ZON04-00077

PUBLIC HEARING WILL BE HELD ON AUGUST 10, 2004 FOR ITEMS D – E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Introduction of Ordinance #A was discussed together with the Resolution that the Mayor be authorized to sign an appraisal services agreement, pursuant to requirements set forth in 19.44 of the City of El Paso Municipal Code, with Ralph Sellers & Associates, for the appraisal of a .1107 acre portion of Pizarro Road, as more fully described in such appraisal services agreement as made part of City street vacation application SV04003.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the discussion and action concerning the justification, if any, including but not limited to traffic studies, requestor/s of traffic control signage, etc., for the placement of multiple stop signs at the intersections/s of Mayfield Terrace, Memphis Street, Kentucky Street, and Red Canyon, in a low traffic density residential neighborhood, and additionally discussion and action on the same issues with respect to the placement of speed signage in the same respective area/s.

Representatives Austin and Rojas were not present for the vote.

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RESOLUTION

WHEREAS, the City of El Paso recognizes the importance and benefit of open government; and

WHEREAS, the City Council meetings are televised by Time Warner as a result of the City of El Paso recognizing the importance of providing its constituents the opportunity to view such meetings; and

WHEREAS, City Council recognizes that the citizens of El Paso have an interest in the viewing the El Paso Central Appraisal District meetings;

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

THAT the El Paso Central Appraisal District Board of Directors is urged to decide to televise their meetings and implement the means to allow for the televising of those meetings for the benefit of citizens of El Paso.

Representative Power opened the discussion.

Mr. Mike Rooney, citizen, read from a prepared statement and requested that the Council approve the resolution urging the Central Appraisal District Board of Directors to televise their meetings.

Representative Cushing noted that he would place an item on the Central Appraisal District Board meeting agenda addressing televising the meetings and noted that the meetings are held on the second Thursday of each month.

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to approve the above resolution.

Representatives Austin and Cobos were not present for the vote.

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Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to approve disbursing discretionary funds in the amount of $500.00 per tool shed from each district as agreed upon by City Representatives for funding of Keep El Paso Beautiful Community Tool Sheds program.

Representative Austin was not present for the vote.

NOTE: Item was revised.

Representative Power apologized for the agenda wording and urged the City Representatives participation in the toolshed program and contribution of $500.00. He commended Ms. Palafox for her initiative and community work.

Ms. Katherine Palafox, citizen, explained the Keep El Paso Beautiful Community Tool Sheds program, noting that the tool sheds would be located at 21 fire stations throughout the City, for community use. She thanked the Home Depot for their matching funds, Mr. Mark Alvarado, Neighborhoods First Initiative representative, and the Fire Department.

Representative Lozano suggested utilizing community service workers assigned through the Municipal Court to help clean up the streets.

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RESOLUTION

WHEREAS, HB 2292, as adopted by the Texas Legislature during the 78th Session and signed into law by the Governor on June 10, 2003, mandates the reorganization of 12 state health and human services agencies and functions into five new agencies; and

WHEREAS, part of the state's consolidation is a proposal for the closure of more than 200 local Department of Human Services (DHS) offices and to replace them with three call centers and use of the Internet to determine eligibility of potential DHS health and human services program recipients; and

WHEREAS, closing these offices and replacing them with call centers and use of the Internet will make access to DHS health and human service programs more difficult, resulting in fewer people receiving these services; and

WHEREAS, HB 2292 also changes eligibility requirements for Medicaid and the Children's Health Insurance Program which will result in 26,725 fewer El Paso County residents being covered by state health insurance programs and the loss $109,301,990 in federal/state Medicaid and CHIP money spent locally; and

WHEREAS, local programs such as indigent health care will be responsible for providing health care and other services for those who no longer qualify for federal/state services such as Medicaid and CHIP; and

WHEREAS shifting local residents into local programs such as indigent health care amounts to an unfunded mandate on local taxpayers; and

WHEREAS the closure of local DHS offices will result in the elimination of 646 local jobs and the loss of state and federal funds amounting to $13 million that circulate and stimulate the local economy;

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

That the El Paso City Council does respectfully request appropriate State of Texas entities and officials not to implement HB 2292. She asked the Council to approve the resolution and she would personally deliver the resolution to Governor Perry.

Representative Rojas opened the discussion and explained that HB 2292 would directly impact El Paso and its citizenry.

Ms. Judy Lugo, President, Texas State Employees Union, addressed HB 2292 and the implementation of automated call centers. She enumerated the services provided to DHS clients and the negative impact the call center will have on the community.

Mayor Joe Wardy explained that the matter was a legislative decision by the House and Senate of the State of Texas.

Representative Cook suggested that the Resolution be discussed during the Special Legislative Session.

Ms. Yolanda M. Griego, Texas State Employee Union member, commented on the impact of HB 2292 and that HB 2292 would not improve the lives of needy Texans. She spoke against the closure of DHS offices, adding that, as a State employee she would be affected by the anticipated closure.

Mayor Wardy encouraged Representative Rojas to amend the last sentence of the resolution.

Representatives Cushing, Austin, and Lozano commented on the matter.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the above resolution.

NOTE: Resolution was revised.

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Motion made by Representative Cobos, seconded by Representative Escobar and carried to move to the forefront of the regular agenda the discussion on Adult Protective Services Program and how the El Paso City Council can assist and enhance services with State Officials and local agencies.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: Representatives Power

See discussion on page 3.

No action was taken on the discussion on Adult Protective Services Program and how the El Paso City Council can assist and enhance services with State Officials and local agencies.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks the discussion and action on committee report and recommendations regarding the Non-Uniformed City Employee Pension Fund.

Representatives Austin and Rojas were not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the BOAC recommendation to Council to combine the budget for the following seven Park projects into one overall budget and bid Park Projects as one bid package:

This is a 2000 Quality of Life Bond Project.

No.	Name of Project		Dist	Budget
1	Colonia Verde		4	$ 118,000
2	Dick Shinaut		5	$ 400,000
3	Franklin		4	$ 197,000
4	J.P. Shawver		7	$ 697,000
5	Milagro		4	$ 147,000
6	Pico Norte		5	$ 265,000
7	Skyline Youth		2	$ 233,000
			Total	$2,057,000

No discussion on the matter.

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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the BOAC recommendation to Council to combine the budget for the following four Park projects into one overall budget and bid Park Projects as one bid package:

	Project	Dist.	Project Budget
1	Pebble Hills	5	$ 322,000
2	Thomas Manor	7	$ 485,000
3	Washington	3	$ 197,500
4	Judge Galatzan	8	$ 800,000
		Total	$1,804,500

Representative Rojas asked Mr. Juan Contreras, Perspectiva + 3D/I (P+3), questions.

Mr. Contreras explained that the intent of combining the parks projects was to increase interest of general contracts.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the request of the Director of Purchasing that Mayor and Council terminate Contract No. 2003-108 with Lafarge Road Markings, Ennis, Texas, for Traffic Paint for convenience pursuant to Clause No. 18A of the Contract, an item titled Termination for Convenience, whereby the City reserved the right to terminate the Contract for convenience.

The user Department was notified and a new solicitation will be issued.

Department: Street Maintenance

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the request to reject Bid No. 2004-162, Auto Parts Price List-Hardware & Fasteners as recommended by Purchasing and the Fleet Service Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

Department: Fleet Service
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the request to reject Bid No. 2004-190, Perkins Proprietary Parts & Service as recommended by Purchasing and the Fleet Service Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

Department:	Fleet Service
Funds available:	37370510-503121-45202
Funding source:	Fleet Service Internal Service Fund

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Motion made by Representative Power, seconded by Representative Cobos and carried to approve Bid No.: 2004-196 Tires & Roadside Service

AYES:	Representatives Austin, Cushing, Cook, Power, Escobar and Cobos
NAYS:	Representative Lozano
NOT PRESENT:	Representative Rojas

Award to:	Vendor 1	Redburn Tire Co. Sunland Park, NM	
Item (s):		Part I (new tires)	Group A, #1 & #2, Group B, #1 & #2, Group C, #1 & #2
Amount:		$160,000.00 (estimated annually)	

Award to:	Vendor 2	R.B. Wicker Tire & Rubber Co. El Paso, Texas
Item (s):		Part II (recap/retread tires) All items
Amount:		$300,000.00 (estimated annually)

Department:	Fleet Service
Funds available:	37370510-503121-45202
Funding source:	Fleet Service Internal Service Fund
Total award:	$1,380,000.00

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 & #2 offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two Years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Mr. Byron Johnson, Director of Purchasing, explained that Redburn Tire Co. service center was located in New Mexico and added that there was no a reciprocal issue regarding New Mexico as the company's headquarters was located in Arizona.

Representative Lozano asked tax base questions.

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*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to postpone four (4) weeks a public hearing to determine if the property located at 11661 Norman Montion Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 25th, 2004. The owner of record as of March 23rd, 2004, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of $9,612.60.

Representatives Austin and Rojas were not present for the vote.

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*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to postpone one (1) week a public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of $0.

Representatives Austin and Rojas were not present for the vote.

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ORDINANCE 15837

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO MARINA MONSISVAIS TO TEMPORARILY CLOSE A PORTION OF OCHOA STREET BETWEEN FIRST AVENUE AND PAISANO DRIVE FOR A "RED BALL" CELEBRATION STREET FESTIVAL ON SATURDAY, JULY 24, 2004 AND SUNDAY, JULY 25, 2004.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, 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: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Cobos
NAYS: None Absent: None

Council Member Rojas was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.030 (Schedule III-Parking Prohibited At All Times On Certain Streets) to add a new location on Heisig Avenue between Main Street and Prospect Street, North side only. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.
Representatives Austin and Rojas were not present for the vote.

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ORDINANCE 15838

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF WEST HILLS UNIT 23, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Austin explained that the Ordinance had been approved by the CPC (City Plan Commission) and DCC (Development Coordinating Committee) and that the Department had received no opposition.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, 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: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15839

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) TO AMEND CHAPTER 100 (ALSO KNOWN AS ORDINANCE NUMBER 15404) WHICH CREATED THE CITY OF EL PASO WATER CONSERVATION ADVISORY BOARD BY AMENDING 2.100.070 (DUTIES).**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, 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: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ADDITION TO THE AGENDA

See discussion on page 4.

No action was taken on the discussion on the lack of action by local State Representatives to respond to the over 400 residents of Council District #7 who signed a petition against the Cedar Oak Townhomes development project being built in their area and have not obtained a response to their request. The residents want their voices to be heard in Austin regarding this issue.

NOTE: Item was moved to the forefront of the regular agenda.

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See discussion on page 1.

No action was taken on the following Item: Discussion on Mexican candy with high lead content.

NOTE: This item was discussed together with the discussion and action on ASARCO Air Permit Application, Number 20345, Texas Commission on Environmental Quality (TCEQ) Docket Number: 2004-0049-AIR, and the City of El Paso's position to said application. [State Senator Eliot Shapleigh]

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:04 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk