

**JOHN F. COOK**  
MAYOR



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

**JOYCE WILSON**  
CITY MANAGER

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 19, 2008  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:41 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Rachel Quintana, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrival: Ann Morgan Lilly at 8:51 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

- 1. EL PASO POSTMASTER SEVERO GARZA DAY**
- 2. BOY SCOUTS OF AMERICA MONTH**

**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 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. Bill Hart
2. Mr. Jerry Thiedt
3. Ms. Esther Perez
4. Mr. Richard Sheldon

Representatives Holguin and Castro commented.

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:42 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY  
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
 Section 551.074 PERSONNEL MATTERS  
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES  
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representative Lilly

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to adjourn the Executive Session at 9:30 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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**EX1.** George DeAngelis vs. City of El Paso, et al; Cause No. EP-05-CA-0113-DB. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that outside counsel be authorized to **TAKE ANY AND ALL ACTION** necessary to execute on any judgments and/or Court orders awarding defensive costs or sanctions to the City of El Paso in the lawsuit styled George DeAngelis vs. City of El Paso, et al; Cause No. EP-05-CA-0113-DB.

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

NAYS: None

ABSTAIN: Representative Lilly

NOT PRESENT FOR THE VOTE: Representative Quintana

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**EX2.** Discussion and action on the acquisition of the following real property: 214 - 218 West Franklin Street and 417 - 419 North El Paso Street, El Paso, El Paso County, Texas. (551.071 and 551.072)

**1<sup>ST</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:42 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

**2<sup>ND</sup> MOTION**

Motion made by Mayor Pro Tempore Byrd seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:46 a.m. and **RECONVENE** the meeting of the City Council.

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that the City Manager be authorized to **NEGOTIATE** with the property owners on the acquisition of all or a portion of the following real properties:

1. 214-218 West Franklin Street, El Paso, El Paso County, Texas; and
2. 417-419 North El Paso Street, El Paso, El Paso County, Texas.

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

NAYS: Representatives Castro, Quintana, and Holguin

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

Ms. Joyce Wilson, City Manager, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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**EX3.** The Petition of El Paso Electric Company for authority to increase fuel factor, for fuel surcharge, and for related good-cause exception before the Public Utility Commission of Texas, Docket No. 35856, SOAH No.473-08-3762. (551.071)

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and carried that outside counsel representing the City in the Petition of El Paso Electric Company for Authority to Increase Fuel Factor for Fuel Surcharge and for Related Good Cause Exception, Public Utility Commission Docket 35856 are authorized to settle the case as recommended by the City Attorney and outside counsel.

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

Mr. Norman Gordon, outside counsel, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives Acosta, Byrd, Ortega, and Castro commented.  
Mr. Charlie McNabb, City Attorney gave legal advice.

Mr. Jerry Thiedt, citizen, commented.

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**CONSENT AGENDA**

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Ortega

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**1. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of August 12, 2008.

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

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

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**3A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Industrial Site Lease by and between the City of El Paso ("Lessor") and Luis And Yolanda Casillas ("Lessee") regarding the following premises: east 100 feet of

Lot 10, Block 8, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, which is municipally known and numbered as 7729 Lockheed, El Paso, Texas.

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**3B.**

**\*RESOLUTION**

**WHEREAS**, due to extended debate on legislation relative to the funding and reauthorization of grants at the federal level, the Federal Aviation Administration (FAA) had previously released only 75% of entitlement funding for FY2008 to the El Paso International Airport (EPIA);

**WHEREAS**, the FAA is now able and desires to provide the remaining 25% of entitlement funding to EPIA under a different grant number;

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

That the Director of Aviation be authorized to sign and submit grant applications and related documentation to the Federal Aviation Administration (FAA), and be designated the official representative of the City of El Paso to act in connection with the application process for the Airport Improvement Program (AIP), Project No. 3-48-0077-25-08; and

That upon approval and issuance of such grant by the FAA, the City Manager be authorized to accept and sign the grant agreement, and other necessary documents when the form and substance of those documents has been reviewed and approved by the City Attorney's Office; provided that such authorization shall include the ability to accept and sign multiple agreements and documents, as the FAA grant may be issued in various disbursements; and

That the City Manager be authorized to approve and sign any budget transfers needed to establish appropriations in connection with this grant; and

That the total grant amount shall include a not-to-exceed federal share of \$1,302,079 and a not-to-exceed local share of \$145,651, and will be utilized for the following project:

Reconstruction of Taxiway "J" and "M" - this project will provide for the total reconstruction of portions of El Paso International Airport's Taxiways "J" and "M" and includes the removal of existing asphalt concrete pavement and replacement with Portland cement concrete pavement.

Representative Acosta commented.

Mr. Patrick Abeln, Director of Aviation, commented.

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**3C.**

**\*RESOLUTION**

That the City Manager be authorized to sign an agreement granting an underground electrical easement with transformer site, to the El Paso Electric Company for the purpose of providing electrical service to the Municipal Services Center at 7968 San Paulo Drive. Said property being more particularly described as a portion of Lot 2, Block1, Municipal Center Subdivision, El Paso County, Texas.

3D.

**\*RESOLUTION**

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

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

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

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

5837 Coronado Ridge Drive, more particularly described as Lot 18 (36594.11 SQ FT), Block 1, Coronado Ridge Estates Subdivision, El Paso, El Paso County, Texas, Parcel #C837-999-0010-1800

to be \$257.42, 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 ONE AND 42/100 DOLLARS (\$281.42). The City Council finds that the work was completed on the 4th day(s) of December 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY ONE AND 42/100 DOLLARS (\$281.42) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

408 Mesilla Vista Lane, more particularly described as Lot(s) 11 (15408.90 SQ FT), Block 1, Mesilla Addition Subdivision, El Paso, El Paso County, Texas, Parcel #M390-999-0010-1100

to be \$230.57, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTY FOUR AND 57/100 DOLLARS (\$254.57). The City Council finds that the work was completed on the 21<sup>st</sup> day(s) of February 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTY FOUR AND 57/100 DOLLARS (\$254.57) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

412 Mesilla Vista Lane, more particularly described as Lot(s) 10 (16169.83 SQ FT), Block 1, Mesilla Addition Subdivision, El Paso, El Paso County, Texas, Parcel #M390-999-0010-1000

to be \$238.69, 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 SIXTY TWO AND 69/100 DOLLARS (\$262.69). The City Council finds that the work was completed on the 21<sup>st</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SIXTY TWO AND 69/100 DOLLARS (\$262.69) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

6552 Rio Mira, more particularly described as Lot(s) 18 (4679.42 SQ FT) & Lot 19 (5945.64 SQ FT) (10625.06 SQ FT), Block 4, Bonanza Mobile Homes Subdivision, El Paso, El Paso County, Texas, Parcel # B555-999-0004-0019

to be \$304.72, 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 THREE HUNDRED TWENTY EIGHT AND 72/100 DOLLARS (\$328.72). The City Council finds that the work was completed on the 7<sup>th</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED TWENTY EIGHT AND 72/100 DOLLARS (\$328.72) 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CHARLES & LUZMA V. WALK, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

1024 Shawnee, more particularly described as Lot(s) 2 (6732 SQ FT), Block 7, Three Hills Subdivision, El Paso, El Paso County, Texas, Parcel #T251-999-0070-0300

to be \$122.00, 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 SIX AND 00/100 DOLLARS (\$146.00). The City Council finds that the work was completed on the 4th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FORTY SIX AND 00/100 DOLLARS (\$146.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CORINA Y. & 3 DUARTE, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2702 Porter, more particularly described as Lot(s) 29 & 30 (6000 SQ FT),  
Block F, Grandview Subdivision, El Paso, El Paso County, Texas, Parcel  
#G686-999-000F-9200

to be \$191.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTEEN AND 06/100 DOLLARS (\$215.06). The City Council finds that the work was completed on the 8<sup>th</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTEEN AND 06/100 DOLLARS (\$215.06) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ROBERT & 1 CAMPOS, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the

accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

4220 Pershing Drive, more particularly described as W 120 FT OF Lot(s) 10 & W 120 FT OF S 1/2 OF Lot(s) 11 (4500.00 SQ FT), Block 30, Government Hill Subdivision, El Paso, El Paso County, Texas, Parcel # G569-999-0300-3100

to be \$96.34, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED TWENTY AND 34/100 DOLLARS (\$120.34). The City Council finds that the work was completed on the 7<sup>th</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED TWENTY AND 34/100 DOLLARS (\$120.34) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

3606 Truman Avenue, more particularly described as Lot(s) 29 & 30 (6000 SQ FT), Block 105, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel # M794-999-1050-8900

to be \$271.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED NINETY-FIVE AND 71/100 DOLLARS (\$295.71). The City Council finds that the work was completed on the 15<sup>th</sup> day(s) of October, 2007, and approves the costs described herein.

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

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

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

### **\*RESOLUTION**

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

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

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

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

5031 Rosa Avenue, more particularly described as Lot(s) 1 & 2 (6000 SQ FT),  
Block 24, Brentwood Heights Subdivision, El Paso, El Paso County, Texas,  
Parcel # B724-999-0240-0100

to be \$1065.72, 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 ONE THOUSAND EIGHTY NINE AND 72/100 DOLLARS (\$1089.72). The City Council finds that the work was completed on the 28<sup>th</sup> and 29<sup>th</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND EIGHTY NINE AND 72/100 DOLLARS (\$1089.72) 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CESAR A. LOZANO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

124 S. Seville Drive, more particularly described as Lot(s) 17 & 18 & N PT of Lot 19 (9600.00 SQ FT), Block 15, Sambrano Subdivision, El Paso, El Paso County, Texas, Parcel # S052-999-0150-6400

to be \$260.88, 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 TWO HUNDRED EIGHTY FOUR AND 88/100 DOLLARS (\$284.88). The City Council finds that the work was completed on the 2<sup>nd</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY FOUR AND 88/100 DOLLARS (\$284.88) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

5217 Dearborne Drive, more particularly described as Lot(s) 25 (6000 SQ FT), Block 16, Temple Hills Replat Subdivision, El Paso, El Paso County, Texas, Parcel # T116-999-0160-4900

to be \$191.06, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTEEN AND 06/100 DOLLARS (\$215.06). The City Council finds that the work was completed on the 3<sup>rd</sup> day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FIFTEEN AND 06/100 DOLLARS (\$215.06) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

10045 Ontario Avenue, more particularly described as Lot(s) 25, Block 5,  
Colonia Verde Subdivision, El Paso, El Paso County, Texas, Parcel #C741-  
999-0050-7300

to be \$299.31, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED TWENTY THREE AND 31/100 DOLLARS (\$323.31). The City Council finds that the work was completed on the 5<sup>th</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED TWENTY THREE AND 31/100 DOLLARS (\$323.31) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

4609 Sun Valley, more particularly described as Lot(s) 8 (8360 SQ FT), Block 12, Arlington Heights Replat Subdivision, El Paso, El Paso County, Texas, Parcel #A700-999-0120-1500

to be \$202.21, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO-HUNDRED TWENTY-SIX AND 21/100 DOLLARS (\$226.21). The City Council finds that the work was completed on the 13<sup>th</sup> day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO-HUNDRED TWENTY-SIX AND 21/100 DOLLARS (\$226.21) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

#### **\*RESOLUTION**

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

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

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

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

5628 Will Ruth Avenue, more particularly described as Lot 70, Los Ranchitos Subdivision, El Paso, El Paso County, Texas, Parcel # L789-999-0000-7000

to be \$157.50, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE-HUNDRED EIGHTY-ONE AND 50/100 DOLLARS (\$181.50). The City Council finds that the work was completed on the 2<sup>nd</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE-HUNDRED EIGHTY-ONE AND 50/100 DOLLARS (\$181.50) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, HECTOR A. & 1 PEREZ - PACHECO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2320 Tierra Negra, more particularly described as Lot(s) 6 (5400.00 SQ FT),  
Block 12, Tierra Del Este Unit 1 Subdivision, El Paso, El Paso County, Texas,  
Parcel # T287-999-0120-0600

to be \$185.65, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO-HUNDRED NINE AND 65/100 DOLLARS (\$209.65). The City Council finds that the work was completed on the 3<sup>rd</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED NINE AND 65/100 DOLLARS (\$209.65) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

11201 Ebb Tide, more particularly described as Lot(s) 23 (6849 SQ FT), Block  
29, East Glen Subdivision, El Paso, El Paso County, Texas, Parcel # E054-  
999-0290-4500

to be \$346.40, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED SEVENTY AND 40/100 DOLLARS (\$370.40). The City Council finds that the work was completed on the 24th day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVENTY AND 40/100 DOLLARS (\$370.40) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

Lot 1 (104544 SQ FT), Block 16, Capistrano Park Subdivision, El Paso,  
El Paso County, Texas, Parcel #C118-999-0160-0100

to be \$1,130.13, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND ONE HUNDRED FIFTY FOUR AND 13/100 DOLLARS (\$1,154.13). The City Council finds that the work was completed on the 13<sup>th</sup> & 14<sup>th</sup> day(s) of September 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE THOUSAND ONE HUNDRED FIFTY FOUR AND 13/100 DOLLARS (\$1,154.13) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GONZALEZ REVOCABLE TRUST ES, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in

violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

424 Joseph Street, more particularly described as Lot(s) 22 (4500 SQ FT), Block 3, Lower Valley Mobile Home Add Subdivision, El Paso, El Paso County, Texas, Parcel #L920-999-0030-2200

to be \$316.09, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of THREE HUNDRED FORTY AND 09/100 DOLLARS (\$340.09). The City Council finds that the work was completed on the 8<sup>th</sup> day(s) of November, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED FORTY AND 09/100 DOLLARS (\$340.09) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

9741 La Morenita, more particularly described as Lot(s) 16 (5565.00 SQ FT), Block 4, Mission Pass Subdivision, El Paso, El Paso County, Texas, Parcel #M579-999-0040-1600

to be \$220.83, 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 FOUR AND 83/100 DOLLARS (\$244.83). The City Council finds that the work was completed on the 1<sup>st</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED FORTY FOUR AND 83/100 DOLLARS (\$244.83) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PAUL E. 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 Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2007 Atlanta Avenue, more particularly described as Lot(s) 11 & 12 (6000 SQ FT), Block 9, Highland Park Subdivision, El Paso, El Paso County, Texas, Parcel #H453-999-0090-3700

to be \$123.41, 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 SEVEN AND 41/100 DOLLARS (\$147.41). The City Council finds that the work was completed on the 21<sup>st</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED FORTY SEVEN AND 41/100 DOLLARS (\$147.41) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

### **\*RESOLUTION**

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

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

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

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

401 Francis, more particularly described as Lot(s) 1, Block 3, Pasadena #2  
Subdivision, El Paso, El Paso County, Texas, Parcel # P577-999-0030-0100

to be \$263.05, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED EIGHTY-SEVEN AND 05/100 DOLLARS (\$287.05). The City Council finds that the work was completed on the 25<sup>th</sup> day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY-SEVEN AND 05/100 DOLLARS (\$287.05) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

421 Kyle Street, more particularly described as Lot(s) 3, Block 2, Kyle  
Subdivision, El Paso, El Paso County, Texas, Parcel #K982-999-0020-  
1300

to be \$261.42, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED EIGHTY FIVE AND 42/100 DOLLARS (\$285.42). The City Council finds that the work was completed on the 1<sup>st</sup> day(s) of February, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED EIGHTY FIVE AND 42/100 DOLLARS (\$285.42) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

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

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

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

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

1203 Main Drive, more particularly described as N PT OF LOT 24 (67.54 FT ON S, 81.21 FT ON W, 10.74 FT ON N, 103.75 ON E), Block 13, Mundy Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M946-999-0130-9600

to be \$201.89, 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 TWENTY-FIVE AND 89/100 DOLLARS (\$225.89). The City Council finds that the work was completed on the 13th day(s) of December, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED TWENTY-FIVE AND 89/100 DOLLARS (\$225.89) 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 Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DANIEL LUEVANO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

3007 Rivera, more particularly described as Lot(s) 5 & E 19.667 ft of Lot 4 (6253 SQ FT), Block 2, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel # E014-999-0020-0700

to be \$100.78, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED TWENTY FOUR AND 78/100 DOLLARS (\$124.78). The City Council finds that the work was completed on the 22nd day(s) of January, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED TWENTY FOUR AND 78/100 DOLLARS (\$124.78) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

#### **\*RESOLUTION**

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

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

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

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

3027 Rivera, more particularly described as Lot 14, Block 2, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-0020-3100

to be \$155.88, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED SEVENTY-NINE AND 88/100 DOLLARS (\$179.88). The City Council finds that the work was completed on the 4th day(s) of October, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED SEVENTY-NINE AND 88/100 DOLLARS (\$179.88) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

.....  
3E.

**\*RESOLUTION**

**WHEREAS**, on March 19, 1996, the City of El Paso (the "City") adopted the Department of Solid Waste Management Refund Policy (the "Policy");

**WHEREAS**, the City has reviewed the Policy and as a result of such review now desires to revise and restate the Policy.

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

That the City hereby adopts the revised and restated Environmental Services Department Refund Policy Regarding Solid Waste Services which is attached hereto as Exhibit A and incorporated herein by reference.

Representative Acosta commented.

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

.....  
3F.

**\*RESOLUTION**

That the City Manager be authorized to sign a Memorandum of Understanding by and between the City of El Paso and Rio Grande Safe Communities Coalition, a Division of R.E. Thomason Hospital, to provide funding for a project addressed to prevent underage drinking and promote awareness activities.

Representative Acosta commented.

Assistant Police Chief Tom Whitten commented.

.....  
4. **BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** William Stafford Thurmond to the Public Utility Regulation Board by Representative Susie Byrd, District 2.

.....  
5. **APPLICATION FOR TAX REFUND**

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

- A. Indy Mac Bank in the amount of \$3,340.33 overpayment of 2007 taxes. (PID #C518-999-1280-0100).
- B. First American Real Estate Tax Service in the amount of \$3,795.16 overpayment of 2007 taxes. (PID #C818-999-0730-0700).
- C. Jorge & Yvonne Zamarripa in the amount of \$3,795.20 overpayment of 2008 taxes. (PID #C818-999-0730-0700).
- D. Homecomings Financial, LLC in the amount of \$3,984.12 overpayment of 2007 taxes. (PID #C942-999-0080-3500).
- E. Jose A. Hernandez in the amount of \$6,385.00 overpayment of 2007 taxes. (PID #E014-999-0220-0600).

- F. Gabriel & Maria M. Sanchez in the amount of \$2,503.36 overpayment of 2007 taxes. (PID #H791-008-0070-1000).
- G. Sierra Title Co., in the amount of \$4,519.04 overpayment of 2007 taxes. (PID #P654-999-1100-2900).
- H. Homecomings Financial in the amount of \$2,956.55 overpayment of 2007 taxes. (PID #M895-999-0040-3000).
- I. City Mortgage in the amount of \$7,672.91 overpayment of 2007 taxes. (PID #T287-999-1200-2500).
- J. EMC Mortgage Corp. in the amount of \$2,961.33 overpayment of 2007 taxes. (PID #V893-999-032A-0100).
- K. Chase Home Finance LLC-SD in the amount of \$9,999.99 overpayment of 2006 taxes. (PID #S075-000-0440-02B0).

.....

**6. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.**

**1<sup>ST</sup> MOTION**

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

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried to **AUTHORIZE** the request to approve the selection of F.T. James Construction, Inc. as the offeror that offers the best value for the City for the construction of Civic Center Plaza Renovation (Solicitation No. 2008-215), as per recommendations from Convention and Performing Arts Center and Engineering Department; and that the City Engineer and staff be authorized to proceed with negotiations of a contract in accordance with Section 271.116, Texas Local Government Code.

NOT PRESENT FOR THE VOTE: Representative Castro

Representatives Byrd, O'Rourke, and Ortega commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
- 4. Mr. Sam Rodriguez, Engineering Division Manager
- 5. Mr. Charlie McNabb, City Attorney, gave legal advice.

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**7. BID**

\*Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2008-078 (Antifreeze) to Western Refining Wholesale for a total estimated award of \$150,000.

Department: General Services  
 Award to: Western Refining Wholesale  
 El Paso, TX  
 Items: 1A, 1B, 2A and 2B

Annual Est. Amount: \$50,000  
Account No.: 37370510 – 503121 – 45202  
Funding Source: Fleet Services Division and Sun Metro  
Total Est. Award: \$150,000

This is a 36-month requirements type contract for Antifreeze.

The cost under this requirements contract is only an estimated minimum value. The actual cost of this contract may be higher or lower than the total estimated minimum value and will be the sum total at the end of the contract term, so long as increased funds are appropriated in the budget.

The Departments of Financial Services, Purchasing Division, and General Services recommend award as indicated to the lowest responsive, responsible bidder.

Representative Quintana commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

.....  
**8A. – 8I. &  
8K. – 8Q. INTRODUCTIONS**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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.

NOT PRESENT FOR THE VOTE: Representative Castro

- A. An Ordinance to amend Title 2 (Administration and Personnel), Chapter 2.08 (City Plan Commission), Section 2.08.010 (Creation - Membership), to restate the appointment process for the membership to be in conformity with the charter.
- B. An Ordinance to amend Title 2 (Administration and Personnel); Chapter 2.38 (Building and Standards Commission); to amend Section 2.38.020 D (Appointment), to name the Development Services Department as a department to work with the Commission.
- C. An Ordinance to amend Title 5 (Business Taxes, Licenses and Regulations) to amend various sections thereunder pertaining to the duties and structure of the Development Services Department, and the duties of staff; the penalty being as provided in Sections 5.08.180, 5.30.010, 5.32.160, 5.34.010, 5.44.270, 5.48.260, 5.54.160, 5.60.040, 5.72.120; 5.76.080, 5.84.250, 5.90.100, 5.100.100, 5.94.010, and 1.08.010 – 1.08.030 of the El Paso City Code.
- D. An Ordinance to amend Title 9 (Health and Safety) to amend various sections pertaining to the duties and structure to the Development Services Department, and the duties of the staff; the penalty being as provided in Sections 9.12.890, 9.32.150, 9.48.260, 9.50.130, 1.08.010 – 1.08.030, and throughout Chapter 9.52 of the El Paso City Code.
- E. An Ordinance to amend Title 12 (Vehicles and Traffic) to amend Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.190 C (Off-Street Parking Requirements for Foreign Consulates and Appurtenant Exhibition Halls), relating to the duties of the Development Services Department and staff; the penalty being as provided in Section 12.84.010 of the El Paso City Code.
- F. An Ordinance to amend Title 13 (Streets, Sidewalks, and Public Places) to amend various sections thereunder pertaining to the duties and structure of the Development Services Department, and the

duties of the staff; the penalty being as provided in Sections 13.08.180, 13.12.260, 13.20.040, and 1.08.010 – 1.08.030 of the El Paso City Code.

- G.** An Ordinance to amend Title 15 (Public Services) to amend Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), relating to duties assigned to the Development Services Department and the duties of the staff; the penalty being as provided in Sections 15.08.125 and 1.08.010 – 1.08.030 of the El Paso City Code.
- H.** An Ordinance to amend Title 17 (Housing) to amend various sections pertaining to the duties and structure of the Development Services Department, and the duties of the staff; the penalty being as provided in Sections 17.04.080 and 1.08.010 – 1.08.030 of the El Paso City Code.
- I.** An Ordinance to amend Title 18 (Building and Construction) to amend various sections pertaining to the duties structure of the Development Services Department, and the duties of the Building Official and other staff; and to amend Chapter 18.44 (Grading), and sections thereunder, to provide for the input and enforcement authority of the City Engineer; the penalty being as provided in Sections 18.44.240, 18.46.180, and 1.08.010 – 1.08.030 of the El Paso City Code, and throughout each of the technical codes as adopted by Title 18.
- K.** An Ordinance to amend Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.36 (Parades and Public Assemblies); to amend Sections 13.36.030 C (Permit Application) and 13.36.050 C (Costs and Fees) to clarify the provisions for refunding overpayments; the penalty being as provided in Sections 1.08.010 - 1.08.030 of the El Paso City Code.
- L.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.77 (City Tree Board), Section 2.77.010 (Committee Established - Membership), Section 2.77.030 (Duties), Section 2.77.040 (Members Shall Hold No Other Public Office nor Receive Compensation for Their Service), Section 2.77.050 (Quorum-Final Action).
- M.** An Ordinance amending Title 13 (Streets, Sidewalks, Public Places), Chapter 13.25 (El Paso Zoo), Section 13.25.010 (El Paso Zoo Fees); establishing Zoo Admission, Special Events and Facility Rental Fees and creating Special Education Programs; adding spouses of active military to Military Admission Fee Reduction; adding Special Education Program Fees; and limiting block advanced ticket purchases; with penalties not to exceed \$500 per day per violation as provided in section 13.08.180 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2008, FOR ITEMS 8A – 8I AND 8K - 8M**

- N.** An Ordinance granting Special Permit No. ZON08-00038 to allow for retail uses within the SRR (Special Residential Revitalization) Zoning District on the property described as Lot 11, Block 87, Campbell Addition, City of El Paso, El Paso County, Texas, more commonly known as 700 South Oregon Street, pursuant to Section 20.04.270 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- O.** An Ordinance changing the zoning of Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas, from C-3 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
- P.** An Ordinance granting Special Permit No. ZON08-00048 to allow for a planned residential development with reduced setbacks, and reduced lot depth on Tract 23-A-3, A.F. Miller Survey No. 214, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.270 (Zoning) of the El Paso

City Code, and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

- Q. An Ordinance changing the zoning of a portion of Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-3 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: North Zaragoza Road at Rich Beem Drive.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 9, 2008, FOR ITEMS 8N – 8Q**

**8J. INTRODUCTION**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and 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, Castro, Holguin, Ortega, and O'Rourke  
NAYS: Representative Quintana

- J. An Ordinance repealing Ordinances Nos. 015703 and 016420 for the purpose of abolishing the Brownfields Redevelopment Board.

**PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2008, FOR ITEM 8J**

Representative Quintana commented.

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

**9A. FINANCIAL SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to exercise the City's option to extend Contract 2004-088R (800MHz Trunked Simulcast Radio System/800 MHz Conventional System Fixed Equipment Maintenance) which was awarded on August 29, 2006, to Motorola, Inc., for one additional year, from September 1, 2008, through August 31, 2009.

**9B. FINANCIAL SERVICES**

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **AWARD** Bid Solicitation No. 2008-219 (Citywide Unpaved Street Improvements Phase III) to Martinez Bros. Contractors, L.L.C., for a total estimated amount of \$680,699.17.

Department: Engineering  
Award to: Martinez Bros. Contractors, L.L.C.  
El Paso, TX  
Base Bid I: \$627,653.65  
Base Bid II: \$ 46,660.52  
Base Bid III: \$ 6,385.00  
Account No.: 14200403 – 508027 – 29152 – PBE04ST136  
Funding Source: FY 2004 General Obligation Bonds  
Total Est. Award: \$680,699.17

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

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract may be higher or lower than the total estimated value and will be the sum total of unit prices at the end of the contract term.

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

This is a low bid, unit-price contract.

The Departments of Financial Services, Purchasing Division, and Engineering recommend award as indicated to the lowest responsive, responsible bidder.

Representatives Byrd, Quintana, and Acosta commented.

Mr. Terrence Freiburg, Purchasing Manager, and Mr. Sam Rodriguez, Engineering Division Manager, commented.

.....

10.

**ORDINANCE 16965**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), SECTION 18.10.310 (APPENDIX G, SWIMMING POOLS, SPAS, AND HOT TUBS) OF THE EL PASO CITY CODE TO ESTABLISH STANDARDS FOR SWIMMING POOLS, SPAS, AND HOT TUBS BY ADDING BARRIER REQUIREMENTS FOR RESIDENTIAL SWIMMING POOLS, SPAS, AND HOT TUBS AND ENTRAPMENT PROTECTION FOR RESIDENTIAL SWIMMING POOL AND SPA SUCTION OUTLETS; PROVIDING FOR A ONE YEAR PERIOD TO BRING CERTAIN EXISTING SWIMMING POOLS, SPAS, AND HOT TUBS INTO COMPLIANCE; WITH PENALTIES NOT TO EXCEED \$2,000 PER DAY PER VIOLATION AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Mr. Larry Nichols, Deputy Director of Building Permits and Inspections, presented a PowerPoint presentation (on file in the City Clerk’s office).

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

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

Mr. Dan Olivas, President of the Greater El Paso Association of Realtors, and Ms. Suzy Shewmaker, President Elect of the Greater El Paso Association of Realtors, commented.

**1<sup>ST</sup> MOTION**

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **AMEND** the Ordinance to add in definition of “alteration” from the International Residential Code.

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Ortega, and O’Rourke  
NAYS: Representative Holguin

**2<sup>ND</sup> AND FINAL MOTION**

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

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

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

.....  
**11. PUBLIC HEARING - ENGINEERING**

\*Motion made, seconded and unanimously carried to **DELETE** the public hearing on an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.160 (Parking in Alleys) of the El Paso City Code, to allow parking in all alleys. The penalty being as provided in Section 12.44.160(C) of the El Paso City Code.

.....  
**12.**

**ORDINANCE 16966**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) TO AMEND CHAPTER 2.110 (CITY ORGANIZATIONAL STRUCTURE); TO REVISE THE STRUCTURE OF THE DEPARTMENTS KNOWN AS THE CITY MANAGER'S OFFICE AND DEVELOPMENT SERVICES; AUTHORIZE THE CITY MANAGER TO DESIGNATE DEPARTMENTS AND STAFF TO PERFORM DUTIES PURSUANT TO CITY ORDINANCES; AND TO DELETE DUPLICATE PROVISIONS RELATING TO DEPARTMENTAL AUTHORIZATION.**

Mayor Cook and Representatives Quintana, Holguin, and Castro commented.

Ms. Joyce Wilson, City Manager, commented and Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

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

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

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

.....  
**13.**

**RESOLUTION**

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

**WHEREAS**, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

**WHEREAS**, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

**WHEREAS**, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

**WHEREAS**, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

**WHEREAS**, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

**WHEREAS**, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

Mayor Cook and Representative Castro commented.

Ms. Shamori Whitt, Open Space Plan Project Coordinator for Parks and Recreation, commented.

Motion made by Representative Lilly, seconded by Representative O'Rourke, and carried to **APPROVE** the Resolution.

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

.....  
ITEMS TAKEN TOGETHER:

**14A.**

**ORDINANCE 16967**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS) TO AMEND SECTION 9.12.125 REGARDING THE ADOPTION AND DISPLAY OF FEES CHARGED UNDER CHAPTER 9.12. THE PENALTY BEING AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO CITY CODE.**

**14B.**

**ORDINANCE 16968**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS) TO AMEND SECTION 9.12.830 (INSPECTION – FREQUENCY) TO ESTABLISH A FEE FOR A FOOD ESTABLISHMENT RE-INSPECTION. THE PENALTY BEING AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana and Acosta commented.

Mr. David Almonte, Director of Office of Management and Budget, and Mr. Michael Hill, Director of Public Health, commented.

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

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

NAYS: None  
ABSTAIN: Representative Holguin  
NOT PRESENT FOR THE VOTE: Representative Quintana

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

.....  
ITEMS TAKEN TOGETHER:

15A.

**ORDINANCE 16969**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS, AND PUBLIC PLACES) TO CREATE CHAPTER 13.02 (STREET AND INTERNATIONAL BRIDGES DEPARTMENTS), AND SECTIONS THEREUNDER, IN THE EL PASO CITY CODE TO CREATE AND ESTABLISH THE FUNCTIONS OF THE DEPARTMENTS KNOWN AS THE STREET DEPARTMENT AND THE INTERNATIONAL BRIDGES DEPARTMENT.**

15B.

**ORDINANCE 16970**

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 12 (VEHICLES & TRAFFIC), CHAPTER 12.78 (INTERNATIONAL BRIDGES), TO AMEND SECTION 12.78.010 (TOLLS FOR INTERNATIONAL BRIDGES), SUBSECTION G, TO CHANGE THE DUTIES FROM THE STREET DEPARTMENT TO THE INTERNATIONAL BRIDGES DEPARTMENT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

15C.

**ORDINANCE 16971**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBERS 011598, 011902, AND 015748 FOR THE PURPOSE OF NAMING THE DEPARTMENT HEAD OR DESIGNEE FOR THE CITY OF EL PASO'S INTERNATIONAL BRIDGES DEPARTMENT AS SECRETARY TO THE INTERNATIONAL BRIDGE COMMISSION.**

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Almonte, Director of Office of Management and Budget
3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

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

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

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

.....  
16.

**RESOLUTION**

**WHEREAS**, on June 30, 2008, the City Manager of the City of El Paso filed the Fiscal Year 2009 Proposed Budget of the City of El Paso with the City Clerk; and

**WHEREAS**, the Proposed Budget was made available for the inspection by any person and was posted on the City’s website in accordance with Section 102.005 of the Texas Local Government Code; and

**WHEREAS**, on August 1, 2008, the City Clerk published notice in the El Paso Times, a newspaper of general circulation in the county in which the City of El Paso is located, of a public hearing regarding the City of El Paso Fiscal Year 2009 Budget Resolution, in accordance with the Charter of the City of El Paso and Section 102.0065(a) of the Texas Local Government Code; and

**WHEREAS**, said public hearing was held on August 12, 2008, by the City Council regarding the City of El Paso’s Proposed Budget at which all interested persons were given the right to be present and participate.

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

1. That the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 30, 2008, is hereby approved and adopted by the City Council as the Annual Budget for the Fiscal Year 2009, which begins on September 1, 2008 and ends on August 31, 2009.
2. That any balance in the General Fund on August 31, 2008 shall first be allocated to restore the reserve for claims in an amount equal to One Million Dollars (\$1,000,000). The City Manager is hereby authorized to appropriate the reserve amount as part of City Attorney’s appropriation for external legal counsel and claims.
3. That the budget for confiscated funds shall be provided by the Chief of Police and submitted to the Office of Management and Budget (OMB) Director by November 14, 2008, with a financial report showing all appropriations for Fiscal Year 2009 for all confiscated or condemned monies in a format approved by the City Manager or his/her designee.
4. That the City shall not enter into any agreement requiring the expenditure of monies if such agreement shall extend beyond the current Fiscal Year without the approval of the City Council or the City Manager. In such cases where the City Manager approves the expenditure, he/she is hereby authorized to obligate and/or encumber City funding to pay the City’s expenses, which shall also constitute the approval of City Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law.
5. That Department Heads are hereby authorized to make budget transfers not to exceed Twenty-Five Thousand Dollars (\$25,000.00); provided that each transfer is within the same department. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) that are within the same department may be approved by the City Manager or his/her designee. A budget transfer for personal services appropriations, capital acquisition appropriations or

impacting revenue accounts requires the approval of the City Manager or his/her designee.

6. That the City Manager or his/her designee is hereby authorized to make budget transfers not exceeding Twenty-Five Thousand Dollars (\$25,000) between departments and funds. Budget transfers exceeding Twenty-Five Thousand Dollars (\$25,000.00) between departments or between funds shall require City Council approval.
7. That a budget transfer must be approved prior to the occurrence of the expenditure, except for emergency expenditures when approved by the City Manager or his/her designee and ratified by the City Council.
8. That the City Manager is hereby authorized to establish the budget for any capital projects that are approved by the City Council.
9. That any budget transfer submitted to City Council shall be accompanied by an explanation from the department, approval by OMB, and a recommendation from the City Manager or his/her designee. The department's explanation must be sufficiently clear and provide sufficient detail for the members of City Council to determine the need for the transfer.
10. That the City Manager or his/her designee is hereby authorized to establish budgets and staffing table changes for grants and similar awards when the applications for such grants and awards have been previously approved by the City Council or the City Manager. All grant applications requiring City Council approval shall be prepared in accordance with established procedures. The agenda item shall clearly state the type and amount of the required City match and the funding source of the grant match. The City Manager or his/her designee is hereby authorized to make such budget transfers and staffing table changes as are needed to close completed grants and capital projects.
11. That the City Manager or his/her designee is hereby authorized to appropriate funds associated with donations made to the City under the amount of Twenty-five Thousand Dollars (\$25,000.00).
12. That a claims committee shall be created consisting of the City Attorney or his/her designee, a Deputy City Manager and the Risk Manager for OMB, who shall have the authority to authorize the settlement of claims in accordance with the authority separately granted by the City Council. The settlement of all other claims shall require City Council approval.
13. That restricted fund(s) shall be expended only for those purposes for which each restricted fund was established.
14. That all monies in all funds, except for grant funds, budgeted for the City's contribution to the Employee's Health Benefit Program, Worker's Compensation, and Unemployment Funds be appropriately deposited into the respective fund by the City Chief Financial Officer before the closing of the Fiscal Year, and in accordance with procedures established by the OMB Director or his/her designee.
15. That merit increases will not exceed 15% of a department's permanent workforce, excluding employees in the Executive Compensation Plan, during the Fiscal Year. The amounts of the annual competency and/or merit increases for employees in the Civil Service for Fiscal Year 2009 are set as follows:

- (i) Employee's annual competency increase is that amount that will place the employee in the rate within their pay grade that most closely approximates a two percent (2%) increase;
  - (ii) The amount of merit increase for eligible employees is that amount that will place the employee in the rate within their pay grade that most closely approximates a one and one half percent (1.5%) increase.
- 16. That for longevity pay due employees, an amount that most closely approximates a one percent (1%) increase will be added to the base pay of each employee, other than employees covered under collective bargaining agreements, on the anniversary date of every five (5) years of service accrued by an employee; however, in the event that such additional pay will result in a salary that exceeds the maximum of an employee's salary range, any amount that would exceed the salary range shall be paid to the employee annually in a lump sum.
- 17. That the adopted budget includes sufficient funds for salary range adjustments to the Salary Schedule effective January 4, 2009, in accordance with Ordinance No. 8064, as amended, for all City General Services (GS) classified employees other than temporary employees and employees covered under collective bargaining agreements, in an amount that most closely approximates a two percent (2%) increase to the minimums and maximums; and further includes sufficient funds for an across the board pay increase, effective January 4, 2009, for all City General Services (GS) classified employees other than temporary employees and employees covered under collective bargaining agreements, in an amount that will place each such employee in the rate within their pay grade that most closely approximates a two percent (2%) increase.
- 18. That all merit increases, annual competency increases, across the board pay increases, and increases based on five (5) year increments of service, are subject to the availability of funds, and shall be expended as determined or authorized by the City Manager or his/her designee, except for such increases that are otherwise determined and provided for in an employment contract.
- 19. That the City Manager is hereby authorized to annually adopt a Tuition Assistance Policy, which provides for tuition assistance to qualified employees in accordance with the amount of funding established for such a program. Such Policy may be amended as deemed necessary by the City Manager.
- 20. That the services paid from the postage/copy center and fleet services sub funds shall be financed and accounted for utilizing an internal service fund basis with sufficient charges from departments to cover all direct costs.
- 21. That the hotel occupancy taxes collected by the City shall be used by the Greater El Paso Convention & Performing Arts Center and the Department of Museums and Cultural Affairs to fund their respective operations and in accordance with El Paso City Code and State law. The functions of the Plaza Theater and McKelligon Canyon shall be included with the functions of the Greater El Paso Convention and Performing Arts Center. Expenditures from said fund shall be made in accordance with their respective adopted budgets.
- 22. That any travel expenditure for a City Council member that exceeds the FY 2009 City Council member's budget, including discretionary funds for the City Council Member's district, must be approved by the City Council and a funding source shall be identified by the City Council.

23. That City Council members must notify the Director of OMB of any expenditure from budgeted City Council Special Projects or Discretionary Accounts, so that City staff can maintain a current balance of the individual City Council Member's year-to-date expenditure for said accounts.
24. That the City Manager or his/her designee is hereby authorized to approve the installation of residential street lights and the expenditures for the power and maintenance related thereto, including street lights paid by the people requesting the installation or which are paid for by using district discretionary funds, pursuant to the resolution of the City Council dated September 20, 1994.
25. That all obligations for the payment of money by City departments and agencies, including grantees, shall be made in accordance with procedures established by the City Manager or his/her designee.
26. That no employee or elected official shall incur an obligation for capital, supplies, wages, or otherwise, unless an adequate appropriation has been made in the budget to meet the obligation and said obligation has been incurred in accordance with the accounting, legal, budgetary, purchasing, and Human Resources policies and procedures of the City.
27. That employee positions funded by the FY 2009 Budget, and those listed in the Authorized Staffing Table, shall constitute the authorized employee positions for each department. Requests for changes and additions shall be approved by the City Manager and Office of Management & Budget and shall show the impact on the FY 2009 Budget and the estimated impact on expenditures for Fiscal Year 2010.
28. That any non-vacant classified employee position which is identified for abolishment upon adoption of the FY 2009 Budget, shall be funded until the earlier of October 18, 2008 or sufficient time for the Human Resources Department to carry out the provisions of the City Charter related to lay-offs.
29. That the compensation of Municipal Judges and substitute Associate Municipal Judges shall continue at the current level.
30. That the City Manager is hereby authorized to transfer any amount in the Salary Reserve appropriation, personal services appropriations or capital acquisition appropriations between departments within the General Fund, whether it is non-uniformed or uniformed salary expense or capital expense, as necessary prior to closing the Fiscal Year 2009.
31. That the cash balance of the Bridge Fund shall be transferred on a monthly basis to the General Fund, except for One Hundred Thousand Dollars (\$100,000) (\$25,000 Unreserved Balance and \$75,000 Reserve for Maintenance) and any required cash, which must be maintained pursuant any bridge revenue bond covenants.
32. That all appropriations in the General Fund associated with outstanding purchase orders shall lapse at the end of Fiscal Year 2009, unless reviewed and approved not to lapse by the OMB director.
33. That within forty-five (45) days after the end of each fiscal quarter, the City Manager or his/her designee shall provide a quarterly report to City Council regarding the status and

year-end projection of the budget.

34. That the City shall charge the maximum allowable interest rate and impose the maximum allowable penalty pursuant to State or Federal laws, on any amounts past due to the City. Any amounts that are one hundred twenty (120) days past due will be reported to the Credit Bureau, in accordance with State and Federal law, and will be turned over to the City Attorney or a collection agency for collection or the proper disposition.
35. That the annual parking meter revenue in account number 404020 (Parking Meter Revenue) shall be allocated on a monthly basis to a restricted account called Plaza Theater Sinking Fund in the Debt Service Fund.
36. That monies that the City receives from licenses, fees, fines, and other charges for services shall be analyzed to determine if the City is recovering the cost of providing such services. Recommendations shall be made to the City Manager or his/her designee for any revisions to licenses, fees, fines, and other charges.
37. That any balance in the General Fund as of August 31, 2008 may be allocated to a vehicle replacement fund in an amount not to exceed Three Million Dollars (\$3,000,000.00). The City Manager is hereby authorized to appropriate the reserve amount as part of the vehicle replacement fund for the purchase of new or replacement vehicles.
38. That any balance in the General Fund as of August 31, 2008 may be allocated to a reserve for building repair in an amount not to exceed One Million Dollars (\$1,000,000). The City Manager is hereby authorized to appropriate the reserve amount as part of the General Services Department appropriation for contract service.
39. That appropriation control for expenditures shall be at the Object Level.
40. That Schedule A amends revenues and appropriations to the City Manager's filed budget; Schedule B amends staffing tables to the City Manager's filed budget; and Schedule C sets forth fees and formulas for calculating certain fees, that are to be charged by the City for goods and services it provides. Any revisions or additions to the fees in Schedule C shall be approved by simple resolution of the City Council.
41. That the City Council approves the continuation of the collection of fees for services previously provided by the former City-County Health and Environmental District, which are now provided by the Departments of Public Health and Environmental Services, in the amounts now set forth in Schedule C; and authorizes the City Manager and his/her designees to establish all necessary and appropriate administrative procedures regarding the collection of such fees for services and to bring forward proposed fees for any additional or new services for Council approval either by ordinance or simple resolution. It is specifically intended that this authorization for the collection of these fees for services shall be in force and effect, and shall survive the applicable period of this Budget Resolution until such time as the Council shall amend, revise, or terminate this authorization by ordinance or by simple resolution of the City Council, or revise or eliminate any fees in any future Budget Resolution.
42. That the City Council approves the adoption of facility use fees for the El Paso Library, as set forth in Schedule C, which shall be charged to non-City users, subject to revision by the Council through the adoption of a separate Library facility use policy by simple resolution.

43. That the Council sets the level of City funding support to persons and organizations seeking such support for parades in accordance with Section 13.36.050 E of the City Code, in an amount not to exceed \$23,000.00, and that the City Manager is authorized to equitably allocate such funding among the qualified applicants and sign funding agreements with such applicants.
44. That OMB shall immediately file, or cause to be filed a true copy of the FY 2009 Budget and a copy of this Resolution in the offices of the City Clerk and the County Clerk of El Paso, and post the same on the City's website.

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. David Almonte, Director of Office of Management and Budget
3. Ms. Ellen Smyth, Director of Environmental Services
4. Mr. Charlie McNabb, City Attorney, gave legal advice.

**1<sup>ST</sup> MOTION**

Motion made by Representative Acosta, seconded by Representative Quintana, and carried to **AMEND** the budget Resolution, Schedule C (Departmental Fees List), Environmental Services, Special Collections, to set subsequent cubic yards at \$5.00.

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

NAYS: Representative Lilly

**2<sup>ND</sup> MOTION**

Motion made by Representative Acosta to **REINSTATE** the \$10,000 discretionary funds to the City Representatives' budgets. The Motion **DIED** for lack of a second.

**3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Lilly, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE, AS AMENDED**, the Resolution.

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

NAYS: Representative Castro

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 The City Council Meeting **RECESSED** at 1:08 p.m. and **RECONVENED** at 4:41 p.m.  
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17.

**ORDINANCE 16972**

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2009 TAXES.**

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schechter and Mr. Duane Shaw, citizens, commented.

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

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

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

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**18A. MAYOR AND COUNCIL**

\*Motion made, seconded, and unanimously carried to **POSTPONE** three weeks the item for discussion and action on directing the City Manger to establish the appropriate course of action in addressing the concerns relating to the Love Road neighborhood.

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**18B. MAYOR AND COUNCIL**

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **APPROVE** a request from the Mexican Consulate in El Paso for City sponsorship on the Mexican Independence Day Celebration in downtown El Paso to fund \$9,000 (half the amount requested) as a challenge grant and assist them in finding additional funding with the caveat that the Mexican Consulate is going to make sure the event happens.

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

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

Ms. Joyce Wilson, City Manager, and Mr. Robert Andrade, Executive Assistant to the Mayor, commented.

The following member of the Mexican Consulate's office commented:

- 1. Mr. Roberto Rodriguez, Mexican Consulate
- 2. Ms. Natalia Garcia
- 3. Ms. Brenda Munoz, Cultural Coordinator

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**18C.**

**RESOLUTION**

That the City Council will select nine Regular Appointees and nine Alternates to the Stormwater Utility Advisory Board from the list of qualified nominees provided to the Council by the Public Service Board. Alternates are eligible to attend the meeting in the absence of a Regular Appointee whenever the Regular Appointee is unable to attend. An Alternate may be called by the Board Chair to sit for any absent Regular Member when it is necessary to make a quorum.

Representatives Quintanilla, Byrd, Holguin, Acosta, and Castro commented.

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

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

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19.

**RESOLUTION**

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and the Upper Rio Grande Workforce Development Board, Inc. d/b/a Workforce Solutions Upper Rio Grande ("Upper Rio Grande"), in its capacity as a regional governmental entity, for the City to serve as project manager on completion of a regional workforce plan and subrecipient of the Upper Rio Grande's Department of Labor Regional Innovative Grant WDB-TX; Project TX-X4, Grant No. EM-17293-08-60-A-48.

Ms. Kathryn Dodson, Director of Economic Development, commented.

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

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**ADDITION TO THE AGENDA**

1.

**RESOLUTION**

**WHEREAS**, on July 22, 2008, the City of El Paso endorsed the 2008 Comprehensive Mobility Plan through City Council action of the same date;

**WHEREAS**, the Camino Real Regional Mobility Authority and the El Paso Metropolitan Planning Organization both approved the 2008 Comprehensive Mobility Plan on July 25, 2008; and

**WHEREAS**, the partners to the 2008 Comprehensive Mobility Plan now desire to execute a Memorandum of Understanding, with regard to the various roles and responsibilities of the parties in implementing the 2008 Comprehensive Mobility Plan;

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

That the Mayor is hereby authorized to execute a Memorandum of Understanding with the Texas Department of Transportation, the Camino Real Regional Mobility Authority, the El Paso Metropolitan Planning Organization and the City of El Paso, including its Mass Transit Department Board, regarding the implementation of the 2008 Comprehensive Mobility Plan.

Mayor Cook and Representatives Byrd and Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

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

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 5:33 p.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk