

JOHN F. COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, 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 14, 2007
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:38 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Melina Castro and Rachel Quintana at 8:39 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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RECOGNITIONS

STAR ON THE MOUNTAIN AWARD TO PRIVATE FIRST CLASS ADRIAN GARCIA

CALL TO THE PUBLIC – PUBLIC COMMENT

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

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

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Margaret Randle
2. Mr. Richard Schecter
3. Ms. Maria Perez
4. Mr. Steven Strumer
5. Mr. Jorge Artalejo
6. Mr. Ray Gilbert

Mayor Cook and Representative Ortega commented.

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

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Motion made by Representative O'Rourke, seconded by Representative Lilly, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:38 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 item listed on the Agenda.

NOT PRESENT FOR THE VOTE: Representatives Castro and Quintana

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:06 a.m. and reconvene the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Holguin

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EX1. Workers' Compensation subrogation interest regarding Kenny Huynh. (551.071).

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried that the item be **DELETED**.

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EX2. Fong et al vs. City of El Paso, Cause #2007-2900. (551.071)

NO ACTION was taken on this item.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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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 7, 2007, and Special City Council Meeting Minutes of August 6, 2007 (Budget Wrap-Up).

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2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION was taken on this item.
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3A.

***RESOLUTION**

That the City Manager be authorized to execute Modification No. 11 to Cooperative Agreement No. DTSA20-03-H-00998 between the City of El Paso and the Transportation Security Administration (TSA); this Modification will provide additional funding from the TSA in the amount of \$52,500.00 for partial funding for fiscal year 2008 for the TSA National Explosives Detection Canine Team Program reimbursements at the El Paso International Airport, bringing the cumulative amount of the contract to \$1,111,500.00 and extending the contract through December 31, 2007.

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3B.

RESOLUTION

WHEREAS, pursuant to the provisions of Section 1391 of the Internal Revenue Code of 1986, as amended (the "Code"), the Secretary of the United States Department of Housing and Urban Development ("HUD") in 1999 approved the plan and application (the "Strategic Plan") submitted by the City and the State of Texas (the "State") and accordingly designated a specific territorial area (the "Zone Area") within the City as an "empowerment zone," with the meaning and subject to the terms and provisions of Code Sections 1391 through 1397F (the "Act"); and

WHEREAS, HUD, the State, and the City executed the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 ("Grant Agreement") and a Memorandum of Agreement related to implementation of the Strategic Plan within the Zone Area, pursuant to which the City was given the designation as the "lead entity" with respect to the Grant Agreement and Memorandum of Agreement and the Strategic Plan; and

WHEREAS, the City now desires that an advisory board be established to be included in the Implementation Plan of the Zone area and incorporated into the Strategic Plan, as amended, in order to ensure continued community and grass roots participation and community performance assessment in the implementation of the Strategic Plan and in the governance of Zone Area activities, as required under 24 CFR Part 598.

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

I. NAME

There is hereby created the Empowerment Zone ("EZ") Advisory Board.

II. PURPOSE

The purpose of the EZ Advisory Board is to provide advisory assistance to the Mayor and City Council, City Manager and City personnel, for the implementation of the City of El Paso's Implementation Plan and Strategic Plan for the Empowerment Zone (Round II) Designation, funded by the U.S. Department of Housing and Urban Development (HUD).

III. MEMBERSHIP

A. The EZ Advisory Board shall consist of nine (9) members. One (1) member shall be appointed by each City Representative and by the Mayor. The City Council shall coordinate appointments so as to comply with the mandatory membership criteria as follows:

1. At the time of appointment, all EZ Advisory Board members must reside in the Zone area, own a business in the Zone area, or be an employee of a business that is located in the Zone area; and

2. Of the total nine (9) members, five (5) of the individuals must be the owners of or employed by a for-profit business that is located in the Zone area, two (2) of the individuals must be leaders in a non-profit organization or faith-based organization that is located in the Zone area, and two (2) of the individuals must be members of a City Recognized Neighborhood Association within the Zone area.

IV. TERMS AND ELECTION OF OFFICERS

A. The members of the EZ Advisory Board will serve staggered terms.

B. The EZ Advisory Board members' initial terms will be established by lot at the first meeting.

C. The officers of the EZ Advisory Board shall be a Chairperson and Vice-Chairperson. The initial board will be composed of nine members, of which five members, including the Chairperson, will serve for two years and the remaining four members will serve for one year. Each successive term thereafter shall be for a two-year period. Initial terms will all run from the date of the first meeting of the EZ Advisory Board. EZ Advisory Board members shall serve until a qualified successor is appointed unless otherwise provided for in the El Paso City Code. EZ Advisory Board members shall not serve more than two consecutive terms. The members of the EZ Advisory Board shall select a Chairperson and Vice-Chairperson at its first meeting and again annually thereafter. The EZ Advisory Board member chosen as Chairperson at the first meeting shall have an initial term of two years.

V. DUTIES

A. The EZ Advisory Board shall perform the following duties:

1. Serve as a liaison between the City and the community at-large, stakeholders, and Recognized Neighborhood Associations and/or Civic Associations within the Zone Area to ensure community and grass roots participation and input in the implementation of the Strategic Plan.

2. Review quarterly and annual program and project progress reports and formulate recommendations thereon for City personnel, to include identification and assessment of the strengths and weaknesses of each program or project, areas for technical assistance, and consistency with the vision, goals, and implementation plan of the Strategic Plan.

3. Provide recommendations on all expenditures, loans, and funding of projects and programs related to the Zone area.

4. Provide recommendations on policy and strategy, to Mayor and City Council, the City Manager, and City personnel, including advice on policy decisions regarding the Implementation Plan and Strategic Plan and any amendments thereto.

5. Review and provide written comments on the annual performance and evaluation report of the Zone Area, in conjunction with the City's established performance measurement system for evaluating the progress made in implementing the Strategic Plan.

6. Support and participate in the City's annual strategic planning session(s) for purposes of reviewing and/or revising of the Strategic Plan.

VI. VOTING AND MEETING PROCEDURES

A. One more than half the current membership of the EZ Advisory Board shall constitute a quorum for the purpose of conducting a meeting. The act of the majority of a quorum present will determine any matter brought before a legal meeting.

B. The EZ Advisory Board will meet each month and at other times as needed.

C. The Chairperson shall conduct EZ Advisory Board meetings in a fair and orderly manner, and shall encourage all members to participate in Board discussions.

D. The EZ Advisory Board may choose to adopt a parliamentary guide such as Robert's Rules of Order.

E. Meetings will be conducted in accordance with the Texas Open Meetings Act.

VII. CONFLICTS OF INTEREST

If a member of the EZ Advisory Board is an employee, officer, agent or representative of an agency or business entity submitting an application for Empowerment Zone funding, the EZ Advisory Board shall not consider such application.

VIII. OFFICERS

A. The Chairperson shall preside at all meetings of the EZ Advisory Board, call all regular and special meetings, and represent the EZ Advisory Board before the general public.

B. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson or in the case of the Chairperson's inability to act. In the event that the Chairperson position becomes vacant during the term, the Vice-Chairperson shall assume the Chairperson position for the balance of the term.

C. The Director of the Community and Human Development Department shall designate a staff person of that Department to serve as Secretary for the EZ Advisory Board. The Secretary shall be responsible for recording and transcribing the minutes of meetings of the EZ Advisory Board, distributing agendas and supporting materials for the EZ Advisory Board meetings to the members, maintain a permanent roster of the Board membership, ensure that public notice informing citizens where and when the meetings shall be held will also be posted 72 hours before each meeting on the Bulletin Board at City Hall in accordance with the Texas Open Meetings Act.

IX. STAFF

A. The City's Community and Human Development Department shall provide administrative support to the EZ Advisory Board.

B. The EZ Coordinator employed by the Community and Human Development Department shall serve as the principal staff person for the EZ Advisory Board. The EZ Coordinator shall be responsible for providing the EZ Advisory Board with the information and data necessary for carrying out the EZ Advisory Board's duties and will assist in implementing activities undertaken by the EZ Advisory Board.

Representatives Ortega, Lozano, and Byrd commented.

Mr. William Lilly, Director of Community Development, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Lozano, Castro, Quintana, and Holguin

NAYS: Representatives Ortega and O'Rourke

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3C.

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

That the City Manager be authorized to sign and accept a Dedication Deed from GFA, LLC., conveying to the City of El Paso a 4.864 acre parcel of land, more or less, described as a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, Unit 1, City of El Paso, El Paso County, Texas, (the "Property"), and being more fully described by metes and bounds in Exhibit "A" for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264.

Representative Quintana commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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3D.

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

That the City Manager be authorized to sign and accept a Dedication Deed from GFA, LLC., conveying to the City of El Paso a 4.851 acre parcel of land, more or less, described as a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, Unit 2, City of El Paso, El Paso County, Texas, (the "Property"), and being more fully described by metes and bounds in Exhibit "A" for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264.

Representatives Quintana and Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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3E.

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

That the City Manager be authorized to sign and accept a Dedication Deed from GFA, LLC., conveying to the City of El Paso a 5.023 acre parcel of land, more or less, described as a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, Unit 3, City of El Paso, El Paso County, Texas, (the "Property"), and being more fully described by metes and bounds in Exhibit "A" for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264.

Representatives Quintana and Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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3F.

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

That the City Manager be authorized to sign and accept a Dedication Deed from GFA, LLC., conveying to the City of El Paso a 5.061 acre parcel of land, more or less, described as a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, Unit 4, City of El Paso, El Paso County, Texas, (the "Property"), and being more fully described by metes and bounds in Exhibit "A" for parkland purposes, in satisfaction of the community parkland requirements imposed by Ordinance Number 014264.

Representatives Quintana and Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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3G.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PAUL JUEN, TRUSTEE, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

Tract 1-B-2 (0.214 ACRE), Manuel Gonzalez Sur 186 ABS 2793 Subdivision,
City of El Paso, El Paso County, Texas, Parcel #X186-999-0000-1100,

to be \$206.76 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total TWO HUNDRED THIRTY AND 76/100 DOLLARS (\$230.76). The City Council finds that the work was completed on the 23rd day of February, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTY AND 76/100 DOLLARS (\$230.76) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, WILL DYLAN INVESTMENTS, INC., owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

4308 Hueco Avenue, Lots 27 & 28, Block 72, Government Hill Subdivision,
City of El Paso, El Paso County, Texas, Parcel #G569-999-0720-8500,

to be \$423.26 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total FOUR HUNDRED FORTY SEVEN AND 26/100 DOLLARS (\$447.26). The City Council finds that the work was completed on the 12th and 13th days of February, 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 FOUR HUNDRED FORTY SEVEN AND 26/100 DOLLARS (\$447.26) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CHEVRON U S A, INC., owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

7300 North Loop, Pt of 1 Beg 171.31' S of NWC (Irreg on N, 126.88' One, 75.0' on S, 21.71 on W) (7024.00 Sq Ft), Block 10, Stiles Gardens Subdivision, City of El Paso, El Paso County, Texas, Parcel #S658-999-0100-0100,

to be \$179.70 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 TWO HUNDRED THREE AND 70/100 DOLLARS (\$203.70). The City Council finds that the work was completed on the 12th day of February, 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 THREE AND 70/100 DOLLARS (\$203.70) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PEDRO DE LA CRUZ, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

11332 Ardelle Avenue, Lot 9, Block 10, Kimberly Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #K383-999-0100-0900,

to be \$305.27 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total THREE HUNDRED TWENTY NINE AND 27/100 DOLLARS (\$329.27). The City Council finds that the work was completed on the 23rd and 26th days of February, 2007 and 1st day of March, 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 TWENTY NINE AND 27/100 DOLLARS (\$329.27) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ROBERTO ESCLANTE, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

11432 Lindenwood Avenue, Lot 9, Block 4, Kimberly Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #K383-999-0040-0900,

to be \$374.55 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 THREE HUNDRED NINETY EIGHT AND 55/100 DOLLARS (\$398.55). The City Council finds that the work was completed on the 8th and 9th days of February, 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 NINETY EIGHT AND 55/100 DOLLARS (\$398.55) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MAGDALENA YU, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

11461 Lindenwood Avenue, Lot 17 (EXC ELY PT) (9170.50 SQ FT), Block 5,
Kimberly Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel
#K383-999-0050-1700,

to be \$163.46 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total ONE HUNDRED EIGHTY SEVEN AND 46/100 DOLLARS (\$187.46). The City Council finds that the work was completed on the 8th day of February, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY SEVEN AND 46/100 DOLLARS (\$187.46) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, BRUNO VASQUEZ, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

9600 Gaza, WLY PT OF LOT 33 (40.27 FT ON ST, 272.30 FT ON WLY,
52.49 FT ON NLY, 239.57 FT ON ELY), Block 11, Vista del Prado #3

Subdivision, City of El Paso, El Paso County, Texas, Parcel #V887-999-0110-6600,

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 TWO HUNDRED NINETY FIVE AND 71/100 DOLLARS (\$295.71). The City Council finds that the work was completed on the 22nd day of February, 2007, and approves the costs described herein.

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

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PATRICIO REYES, JR., owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

233 Lolita Place, Tract 10-C-14 (0.0956 AC), Block 46, Ysleta Subdivision,
City of El Paso, El Paso County, Texas, Parcel #Y805-999-046A-1045,

to be \$306.89 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 THREE HUNDRED THIRTY AND 89/100 DOLLARS (\$330.89). The City Council finds that the work was completed on the 27th day of February, 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 THIRTY AND 89/100 DOLLARS (\$330.89) 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.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOE GUTIERREZ, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

324 Singh Street, Lot 42, Singh Subdivision, City of El Paso, El Paso County,
Texas, Parcel #S445-999-0010-4200,

to be \$244.65 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 TWO HUNDRED SIXTY EIGHT AND 65/100 DOLLARS (\$268.65). The City Council finds that the work was completed on the 28th day of December, 2006, 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 EIGHT AND 65/100 DOLLARS (\$268.65) 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.

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIA D. PEREZ, owner 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 Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Environmental Services 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:

Tract 7 (18575 SQ FT), Block 1, Mesa Vista #2 Subdivision, City of El Paso,
El Paso County, Texas, Parcel #M386-999-0010-3700,

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 TWO HUNDRED NINETY FIVE AND 71/100 DOLLARS (\$295.71). The City Council finds that the work was completed on the 26th day of February, 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.

.....
3H.

***RESOLUTION**

That the City Manager be authorized to sign a contract amendment to Contract 2003-118, as amended, by and between the City and AmeriNational Community Services, Inc. entered into August 3, 2003, a best value procurement to render loan portfolio management services in connection with loan programs implemented by City by and through its Community and Human Development Department for a thirty six (36) month term with the City's option to extend the contract for two (2) additional one (1) year term, of which the City extended for one additional year, September 1, 2006 to August 31, 2007, and now desires to: (1) extend the Contract for the second one (1) year option term, effective September 1, 2007; (2) delete from the contract the Delinquency and Default Follow-Up Management Services from the scope of services, the implementation scheme for said services, and the payment of the \$1.58 fee per loan per month assessed on all amortized loans in the City's loan portfolio for said services; and (3) impose certain loan service release obligations on the Contractor.

The estimated total award amount of this Contract extension is \$154,900 (\$2,500 estimated one time set up fee per new loan account and \$152,400 estimated loan servicing annually). Funding is available from the following sources: G710RLFAD08-Fund 09935 (CDBG Revolving Loan Fund) and G7108HM-09761 (HOME EN).

Representative Byrd commented.

Mr. William Lilly, Director of Community Development, commented.

.....
4A. BOARD APPOINTMENTS

*Motion made, seconded, and carried to **APPOINT** Michael C. Wendt and Michael Czerwinsky to the El Paso County 911 District Board of Managers by Mayor John F. Cook.

Mayor Cook and Representatives Lozano and O'Rourke commented.

Mr. Ray Gilbert, citizen, commented.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jim R. Phillips to the Board of Directors of Tax Increment Reinvestment Zone Number 5 to replace David P. Buchmueller by Mayor John F. Cook.

4C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Anne Langenfeld to the Retired and Senior Volunteer Program Advisory Council (RSVP) by Representative Ann Morgan Lilly, District 1.

5A. PURCHASING REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to 3M Corporation, the sole source manufacturer, distributor, and maintenance provider of the 3M Detection System used at City's Libraries. Contract Period: September 1, 2007, through August 31, 2008.

Department: Library
Total Award: \$34,524.88
Account No.: 53010201 – 01101 - 502229
Funding Source: Library, Operating Account, Office Equipment
Maintenance Contracts
Sole Source No.: 2007-243

5B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **APPROVE** the request to reject all bids for Solicitation No. 2007-204 (Westside Park Improvements Phase III Project) as recommended by Financial Services, Purchasing Division, and Engineering Department because the low bid could not be determined because two of eight bidders bid on proposal forms that excluded the last item. Department: Engineering

Representative Ortega commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

Mr. Ray Gilbert, citizen, commented.

6A. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-203 (Vehicle Washing - Fleet Service) to Karklean Inc., dba Vintage Car Wash, for a total estimated award of \$105,000.

Department: General Services-Fleet Division
Award to: Karklean Inc.
dba Vintage Car Wash
El Paso, Texas
Items: 1, 2, 3, and 4
Annual Estimated Award: \$35,000
Account No.: 37370510 – 503125 - 45202
Funding Source: General Services Department-Fleet Services Internal
Service Fund
Total Estimated Award: \$105,000

This is a requirements type contract with an initial term of 36 months.

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

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6B. BID

*Motion made, seconded, and unanimously carried to **AWARD** BID Solicitation No. 2007-146 (Dump Trucks, Crew Cab) to Casa Ford, Inc., for a total amount of \$222,843.

Department: General Services Department
Award to: Casa Ford, Inc.
El Paso, Texas
Items: Crew Cab Dump Trucks – Qty. 3 @ \$70,500 each
O-2, 5,000 lb. Winch - @ \$1,321 each
O-7, 2,000 lb. Crane - @ \$2,960 each
T-1, Trade-in @ \$1,500
Option: Vendor offers option to purchase 100% of the original contract quantities, at the same unit price, if the option is exercised within 180 days for the date of the award of the contract. No prompt payment discount was offered.
Account No.: PSTM06PW555 – 27264 – 14200500 - 508006
Funding Source: FY 2007 Certificates of Obligations
Total Estimated Award: \$222,843

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

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

Representatives Ortega, Lozano, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schechter, citizen, commented.
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7A. – 7J. INTRODUCTIONS

Motion made by Representative O'Rourke, seconded by Representative Lozano, 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:

- A. An Ordinance vacating a portion of the dam site and drainage right-of-way as shown on the plat of Claussen Canyon, City of El Paso, El Paso County, Texas. Location: Northeast location from the intersection of Lost Padre Mine Drive and Camino Alto Drive, a portion of Claussen Canyon dam site and drainage Right-of-Way.
- B. An Ordinance amending Title 5, El Paso City Code (Business Taxes, Licenses and Regulations), Chapter 5.24 (Charitable Solicitations), by amending Section 5.24.010 (Definitions) in its entirety, by deleting Section 5.24.020 (Charitable Solicitations Commission) in its entirety and amending section 5.24.150 (Denial of a Permit) to allow for an administrative appeals process. The penalty being as provided in Sections 1.08.010 - 1.08.030 of the City Code.

- C. An Ordinance vacating all of a 15-foot wide alley (0.0413 acres of land) east of Lot 7, Block 8, Home Improvement Co. Subdivision, City of El Paso, El Paso County, Texas. SUB07-00036
- D. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 6, Certification; Rule 7, Provisional and Temporary Appointments; Rule 8, Applications; Rule 9, Examination, Marking, and Rating; Rule 10, Original Entrance Examination; Rule 11, Promotional Process; Rule 12, Eligible Lists; Rule 13, Leave of Absence, Resignation, Sick Leave, and Vacations; Rule 14, Efficiency Ratings; Rule 26, Permanent Part-Time Employees.
- E. An Ordinance granting authority to the City Manager or the Department Head to enter into and sign certain Personal and Professional Service Contracts, and all Employment and Volunteer Service Contracts on behalf of The City and to repeal Ordinance No. 16072 pertaining to the same subject.

PUBLIC HEARING WILL BE HELD ON AUGUST 21, 2007, FOR ITEMS A – E

- F. An Ordinance changing the zoning of a portion of Tract 16, El Canutillo Acreage Lots, City of El Paso, El Paso County, Texas, from R-4 (Residential) District to C-4 (Commercial) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- G. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 2, Section 20; and Tract 7B, Section 29, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential); Parcel 2: a portion of Tract 2, Section 20, Tract 3G, Section 21, and Tract 7B, Section 29, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); and, Parcel 3: a portion of Tract 3G, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.
- H. An Ordinance granting Special Permit No. ZON07-00044 to allow for a ground-mounted 50' personal wireless service facility on the property described as a portion of Block 29, Mission Hills Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.08.185.D.1 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code.
- I. An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Section 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 2: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); Parcel 3: a portion of Sections 10, 11, and 15, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 4: a portion of Section 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment); Parcel 5: a portion of Sections 2 and 11, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial) ; Parcel 6: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-2 (Commercial); and, Parcel 7: a portion of Section 10, Block 80, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-2 (Apartment) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

J. An Ordinance changing the zoning of a portion of Lot 2, Block 8, Mesa Del Castillo Unit 3, City of El Paso, El Paso County, Texas, from C-1/SC (Commercial/Special Contract) District to S-D/SC (Special Development/Special Contract) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 4, 2007, FOR ITEMS F – J

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8A. FINANCIAL SERVICES

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-207 (Borderland Street & Drainage Improvements Phase IV) to C.F. Jordan, L.P., for an estimated total amount of \$417,840.

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.

Department: Engineering
Award to: C.F. Jordan, L.P.
El Paso, Texas
Items: Base Bid I: \$350,620
Base Bid II: \$64,220
Base Bid III: \$3,000
Total Estimated Award: \$417,840
Account No: 71150069 - G7132CD0025 – 07856 - 508027
Funding Source: Community Development

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 will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law, which do not make changes to the unit price, and which are within the appropriate budget.

This is a low bid, unit-price contract.

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

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8B. FINANCIAL SERVICES

Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-206 (Street Resurfacing 2007-A) to J.A.R. Concrete, Inc., for an estimated total amount of \$2,890,197.

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.

Department: Streets Department

Award to: J. A. R. Concrete, Inc.
 El Paso, Texas
 Items: Base Bid I: \$2,834,697
 Alternate A1: \$28,000
 Alternate A2: \$27,500
 Total Estimated Award: \$2,890,197
 Account Nos.: PST07001 – 26061 – 31110103 – 508027 (\$2,700)
 PST07001 – 26225 – 31130007 – 508027 (\$76,357)
 PST07001 – 27136 – 31136001 – 508027 (\$73,445)
 PST07001 – 27177 – 31250102 -508027 (\$11,887)
 PST07001 – 27263 - 99331117 – 508027 (\$1,999,530)
 PCP06ST011 – 27263 – 99331117 – 508027 (\$326,278)
 PCP06MF001 – 27263 – 99331117 – 508027 (\$400,000)
 Funding Source: FY 2006 Certificates of Obligation

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 will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the Director of Streets Department may, without further authorization from City Council, approve contract changes which are necessary for proper construction of this project and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is Requirements type, low bid, unit-price contract.

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

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9. INTRODUCTION AND PUBLIC HEARING – FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **DELETE** the introduction and public hearing on an Ordinance authorizing the issuance of “City of El Paso, Texas, Taxable General Obligation Pension Bonds, Series 2007A;” and resolve matters which are necessary to effectuate said issuance.

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10A.

ORDINANCE 16713

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 10, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-M (APARTMENT AND MOBILE HOME PARK) TO C-2 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Ortega and Byrd commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented, and City Attorney Charlie McNabb gave legal advice.

The following members of the public commented:

1. Mr. Bradley Roe, Roe Engineering
2. Mr. Joseph Solis
3. Mr. Tim Scott

Motion duly made by Representative Byrd, seconded by Representative O'Rourke, 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, Lozano, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

ABSTAIN: 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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10B.

ORDINANCE 16714

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 7 TO 12 AND ADJACENT 10 FEET OF ALLEY ON THE WEST, BLOCK 99, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM A-2 (APARTMENT) DISTRICT TO A-O (APARTMENT/OFFICE) DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

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

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10C.

ORDINANCE 16715

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING TRACT 6, SECTION 34, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS, INTO THE CITY OF EL PASO, TEXAS.**

Representative Quintana commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented.

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

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

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10D.

ORDINANCE 16716

The City Clerk read an Ordinance entitled: **AN ORDINANCE ANNEXING TRACT 5, BLOCK 14, UPPER VALLEY SURVEYS, EL PASO COUNTY, TEXAS, INTO THE CITY OF EL PASO, TEXAS.**

Mayor Cook and Representatives Lilly, Byrd, and O'Rourke commented.

The following City staff members commented:

- 1. Ms. Kelly Carpenter, Deputy Director of Planning
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Richard Schecter, citizen, commented.

Motion duly made by Representative Lilly, seconded by Representative Lozano, 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, Lozano, Castro, Holguin, Ortega, and O'Rourke
NAYS: 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**.

10E.

ORDINANCE 16717

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS: PARCEL 1: A PORTION OF TRACT 5, BLOCK 14, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL); AND PARCEL 2: A PORTION OF TRACT 5, BLOCK 14, UPPER VALLEY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL).**

Mayor Cook and Representatives Lilly, Byrd, and O'Rourke commented.

The following City staff members commented:

- 1. Ms. Kelly Carpenter, Deputy Director of Planning
- 2. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.
- 3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Matthew Lathrop
- 3. Ms. Laure Searls
- 4. Ms. Marie Eichelmann

Motion duly made by Representative Lilly, seconded by Representative Lozano, 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, Lozano, Castro, Holguin, Ortega, and O'Rourke
NAYS: 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**.

10F.

ORDINANCE 16718

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 6, BOOTHEVILLE SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM), C-1 (COMMERCIAL), AND C-1/C (COMMERCIAL/CONDITION) TO C-2/C (COMMERCIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Ortega and Byrd commented.

Mr. Luis De La Cruz, representing the applicants, commented.

Motion duly made by Representative Ortega, seconded by Representative Lozano, 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, Lozano, Castro, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: 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**.

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10G.

ORDINANCE 16719

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 9, BLOCK 4, HUECO VIEW ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1/SC (COMMERCIAL/ SPECIAL CONTRACT) DISTRICT TO C-3/SC/C (COMMERCIAL/SPECIAL CONTRACT/CONDITIONS) DISTRICT AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mayor Cook and Representatives Quintana, Ortega, and Byrd commented.

Mr. Ali Boureslan, representative for the applicant, commented.

1ST MOTION

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

2ND AND FINAL MOTION

Motion duly made by Representative Quintana, seconded by Representative Lozano, 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, Lozano, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

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

.....

10H.

Motion made by Representative Ortega, seconded by Representative Quintana, and unanimously carried to **POSTPONE** for two weeks the public hearing on an Ordinance changing the zoning of portions of Tracts 51 & 52, Cineque Park Subdivision, City Of El Paso, El Paso County, Texas, from R-F (Ranch-Farm) District to R-5 (Residential) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Representative Ortega commented.

Ms. Kelly Carpenter, Deputy Director of Planning, commented, and City Attorney Charlie McNabb gave legal advice.

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Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council Meeting at 11:10 a.m. in order to convene the Mass Transit Department Board Meeting.

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Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **RECONVENE** the City Council Meeting at 11:25 a.m.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Castro

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11A.

ORDINANCE 16720

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE TO READ CIELO VISTA DRIVE FROM A POINT 120 FEET SOUTH TO A POINT 500 FEET NORTH OF AVALON DRIVE, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lozano, seconded by Representative O'Rourke, 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 Byrd, Lozano, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and 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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11B.

ORDINANCE 16721

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "C" (TWENTY MILES PER HOUR) OF THE EL PASO CITY CODE TO ADD ALFREDO SUBIA PLACE, BANDERA WAY, CHARLES ROAD, AND ZIKIO CHACON PLACE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative O'Rourke, seconded by Representative Lozano, 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 Byrd, Lozano, Quintana, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and 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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12A. MAYOR AND COUNCIL

Discussion and action on opening the lawns in San Jacinto Plaza to the public.

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

Representative O'Rourke gave a PowerPoint presentation (on file in the City Clerk's office)

Ms. Joyce Wilson, City Manager, and Mr. Barry Russell, Interim Director of Parks and Recreation, commented.

NO ACTION was taken on the item.

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12B. MAYOR AND COUNCIL

Discussion and action by Council to set policy for Emergency Management Plan for each City Department.

Mayor Cook and Representatives Quintana and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Assistant Fire Chief Manny Chavira

NO ACTION was taken on the item.

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13. DEVELOPMENT SERVICES

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **APPROVE** a Conditional B permit for Artcraft Commercial Unit One Subdivision based on based on economic hardship.

NOT PRESENT FOR THE VOTE: Representative Castro

Representative O'Rourke commented.

Mr. Alan Shubert, City Engineer, commented.

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14.

R E S O L U T I O N

WHEREAS, the City of El Paso Health Facilities Development Corporation (the "Issuer") was duly created and organized pursuant to and in accordance with the provisions of the Health Facilities Development Act, Chapter 221, Texas Health and Safety Code, as amended (the "Act"), for the purpose of providing, expanding, and improving health facilities that the Issuer determines are needed to improve the adequacy, cost, and accessibility of health care, research and education;

WHEREAS, the Issuer has determined to issue its Senior Care Facilities Variable Rate Revenue and Refunding Bonds (Bienvivir Senior Health Services Project), Series 2007 (the "Bonds") for the purpose of providing, expanding, and improving health facilities that the Issuer determines are needed to improve the adequacy, cost, and accessibility of health care, research and education in the City of El Paso;

WHEREAS, the Issuer has conducted and held a public hearing regarding issuance of the Bonds on July 30, 2007, at 10:00 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended;

WHEREAS, the Issuer filed a Notice to the City Council of the City of El Paso as Sponsoring Entity of its Intent to Issue Bonds and Providing Certain Information Relating Thereto as required by the Act;

WHEREAS, the City of El Paso approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on July 30, 2007, which are attached hereto as Exhibits A and B to this Resolution, respectively, and made a part hereof for all purposes;

WHEREAS, the Issuer is considering amending its bylaws in the form of attached Exhibit C which is hereby incorporated by reference and the City wishes to approve of such Amendment as required by the Act; and

WHEREAS, the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor’s Certificate, and deliver same to the Issuer.

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

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor’s Certificate in the form attached as Exhibits to this Resolution and deliver same to the Issuer to be used in connection with the issuance of its Bonds.
3. The attached Amendment to the Issuer’s Bylaws is hereby approved.

Representative Byrd commented.

Mr. Paul Braden, Bond Counsel, commented.

Motion made by Representative Ortega, seconded by Representative O’Rourke, and unanimously carried to **APPROVE** the Resolution.

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ADDITION TO THE AGENDA

1.

Motion made by Representative Ortega, seconded by Representative Lozano, and unanimously carried to **APPROVE** the award of Solicitation No. 2007-054 (Landfill Compactor) to Wagner Equipment Company for a total estimated award of \$647,644.

Department:	Environmental Services
Award to:	Wagner Equipment Company
	El Paso, TX
Items:	1A-1, 1A-2, 1A-3, O-1 and O-2

Option: Vendor offers an option to purchase up to 100% of the original contract quantities, at the same unit price, if the option is exercised within 180 days from the date of award of the contract.

Account No.: 34010289 – 508029 - 40403
Funding Source: SWM Heavy/Off Road Equipment
Total Estimated Award: \$647,644.

This is a fixed-price, single (one-time) purchase. No prompt payment discount was offered.

The Departments of Financial Services and General Services - Environmental Services recommend award to the bidder offering the best value bid.

Representative Byrd commented.

The following City staff members commented:

1. Mr. Terrence Freiburg, Purchasing Manager
2. Ms. Ellen Smyth, Director for Environmental Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

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Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried to **ADJOURN** this meeting at 11:58 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk