

**JOHN F. COOK**  
MAYOR



**JOYCE WILSON**  
CITY MANAGER

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

**REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
SEPTEMBER 9, 2008  
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Melina Castro, Eddie Holguin, Jr., and Steve Ortega. Late arrivals: Beto O'Rourke at 8:34 a.m. during Executive Session deliberations, Ann Morgan Lilly at 8:35 a.m. during Executive Session deliberations, and Rachel Quintana at 8:36 a.m. during Executive Session deliberations. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

**RECOGNITIONS**

**TRIBUTE TO 9/11 ANNIVERSARY**

**MAYOR'S PROCLAMATIONS**

1. **2<sup>ND</sup> MISSILE BATTALION, 71ST ARTILLERY'S 50TH ANNIVERSARY**
2. **LA FERIA DE LA FAMILIA DAY**
3. **NATIONAL SUICIDE PREVENTION WEEK**

**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. Jerry Thiedt
2. Mr. Bill Addington, El Paso Regional Sierra Club Group

Representative Lilly commented.

Motion made by Representative Holguin, seconded by Representative Quintana, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Addington an additional minute to address the Council.

Motion made by Representative Castro, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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

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

NOT PRESENT FOR THE VOTE:   Representatives Lilly, Quintana, and O'Rourke

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to adjourn the Executive Session at 9:16 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE:   Representative O'Rourke

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**EX1.**   Claim of the estate of Gregory Smith; our file No. 08-C-167. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimants' settlement demand in the claim of Estate of Gregory Smith and Heirs, Our File No. 08-C-167.

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**EX2.**   Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled Rafael Gardon vs. City of El Paso; Cause No. 2003-493.

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

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**EX3.**   City of El Paso vs. Public Utility Commission of Texas, Cause No. D-1-Gv-04-002035, 201st Judicial District Court, Travis County, Texas. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, and unanimously carried that the City Attorney's Office be authorized to **APPEAL** the judgment of the 201<sup>st</sup> Judicial District Court, Travis, County, Texas regarding the lawsuit entitled City of El Paso v. Public Utilities Commission of Texas, Cause No. D-1-Gv-04-002035 to the Texas Third Court of Appeals (Austin).

Mr. Norma Gordon, outside counsel, gave legal advice.

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**EX4.**   Juana Patricia Acosta et al. vs. City of El Paso, et al.; Cause No. 2006-1380. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Quintana, and carried that the City of El Paso grant **SETTLEMENT AUTHORITY** to outside counsel to resolve the lawsuit styled Juana Patricia Acosta et al. v. City of El Paso, et al.; Cause No. 2006-1380, as recommended by outside counsel, and that outside counsel be authorized to execute any appropriate documents to effectuate that authority.

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

Mayor Cook commented.

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

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**1. MUNICIPAL CLERK**

Motion made by Representative Ortega, seconded by Representative Lilly, and carried to **APPOINT** Rick Olivo to the position of Judge, Municipal Court 4, to fill an unexpired term.

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

Representatives Quintana, Ortega, and Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Richarda Momsen, Municipal Clerk, commented.

The following members of the public commented:

1. Judge David Bonilla
2. Associate Judge Cheryl Lay
3. Mr. Robert Holguin, President of the El Paso Police Officers Association
4. Mr. Fred Jackson
5. Associate Judge Rick Olivo

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**2. ECONOMIC DEVELOPMENT**

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

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **POSTPONE** one week the item on discussion and action that the City Manager be authorized to execute a Chapter 380 Economic Development Program Agreement by and between the City of El Paso and Hawkins Regency L.L.C., a Delaware limited liability company ("Applicant"), to provide for a grant from the City to the Applicant in an amount not to exceed \$8,000,000 Net Present Value in connection with the Applicant's removal of the blighted conditions and redevelopment of the approximately 55-acre property located at 8889 Gateway West Boulevard in El Paso, Texas, subject to the terms and conditions provided in the Agreement.

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

Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried to **RECONSIDER** the item.

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

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **POSTPONE** the item one week.

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

Mayor Cook and Representative Castro commented.

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**CONSENT AGENDA**

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

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

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**3. APPROVAL OF MINUTES**

\*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 2, 2008.

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

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

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**5A.**

**\*RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Gateway Mission Training and Conference Center for \$180,000.00 for the purchase of

Lots 27, 28, 29, 30, 31 and 32, Block P-2, Garden Subdivision, El Paso, El Paso County, Texas

for the Chamizal Neighborhood Revitalization Strategy Area project.

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**5B.**

**\*RESOLUTION**

**WHEREAS**, the City of El Paso recognizes that American democracy is the cornerstone of our society; and,

**WHEREAS**, the City of El Paso wishes to continue to shape the foundation of our society and play an active role in American democracy; and,

**WHEREAS**, the City of El Paso acknowledges that each person is central to government "by the people and for the people"; and,

**WHEREAS**, the U.S. Constitution mandates that every ten years every person be counted to better apportion representation in federal, state, and local governments; and,

**WHEREAS**, the U.S. Census of population and housing is the tool that enables government to be knowledgeable about population growth and social conditions; and,

**WHEREAS**, more than \$300 billion per year in federal and state funds is allocated to communities, and decisions are made on matters of national and local importance based on census data, including healthcare, housing, education, transportation, social services, employment, and much more; and,

**WHEREAS**, the U.S. Census is the core of our democracy and will be conducted on April 1st, 2010 and the County desires that every person in El Paso participate and be counted;

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

That the City of El Paso agrees to create a joint "Complete Count Committee" in partnership with the County of El Paso, to encourage participation in the U.S. Census through outreach programs and events that bring positive awareness of the 2010 Census to all the people of El Paso.

Mayor Cook and Representatives Byrd and Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney, gave legal advice.
3. Mr. Mathew McElroy, Deputy Director of Planning

Ms. Ceci Villa Ross, U.S. Census Bureau, commented.

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**5C.**

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ALFREDO DIAZ-MATA, 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:

748 Dorsey Drive, more particularly described as Lot(s) 32 EXC SWLY PT (0.80' ON ST-105.06' ON NELY-3.92' ON SELY-105' ON SWLY) & SWLY 1.0' OF LOT 33, Block 19, West Hills #7 Subdivision, El Paso, El Paso County, Texas, Parcel #W145-999-0190-3200

to be \$130.60, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY-FOUR AND 60/100 DOLLARS (\$154.60). The City Council finds that the work was completed on the 31st day(s) of March 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 FIFTY-FOUR AND 60/100 DOLLARS (\$154.60) 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, JAMAR CONSTRUCTION, 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:

8605 Gateway Blvd S, more particularly described as N 136 FT OF LOT 95 & N 136 FT OF E 100 FT OF LOT 96 & N 16 FT OF W 100 FT OF LOT 96 (42383.00 SQ FT), Sunrise Acres #1 Subdivision, El Paso, El Paso County, Texas, Parcel #S912-999-001E-2800

to be \$567.23, 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 FIVE HUNDRED NINETY ONE AND 23/100 DOLLARS (\$591.23). The City Council finds that the work was completed on the 17<sup>th</sup> and 18th day(s) of March 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 FIVE HUNDRED NINETY ONE AND 23/100 DOLLARS (\$591.23) 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, JOHN H. TRIEN, 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:

3827 Tyler, more particularly described as Lot(s) 1 & 2 (6600 SQ FT), Block 59, Morningside Heights Subdivision, El Paso, El Paso County, Texas, Parcel #M794-999-0590-0099

to be \$75.56, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of NINETY NINE AND 56/100 DOLLARS (\$99.56). The City Council finds that the work was completed on the 26th day(s) of March 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 NINETY-NINE AND 56/100 DOLLARS (\$99.56) 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, JEFFERY H. MUMFORD, 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:

9949 Agena, more particularly described as Lot(s) 15 (6400 SQ FT), Block 26, Dale Bellamah #7 Subdivision, El Paso, El Paso County, Texas, Parcel #D047-999-0260-2800

to be \$107.71, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED AND THIRTY ONE AND 71/100 DOLLARS (\$131.71). 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 ONE HUNDRED AND THIRTY ONE AND 71/100 DOLLARS (\$131.71) 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, HUGO J. TREVIZO, 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:

5712 Edinburg Drive, more particularly described as Lot(s) 6, Block 95, Sun Valley Subdivision, El Paso, El Paso County, Texas, Parcel # S816-999-0950-2100

to be \$128.82, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIFTY-TWO AND 82/100 DOLLARS (\$152.82). The City Council finds that the work was completed on the 21st day(s) of March 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 FIFTY-TWO AND 82/100 DOLLARS (\$152.82) 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, HOWARD M. & LELA M. SIMS, 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(s) 31 & 32, Block 73-C, Logan Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel # L447-999-073C-8900.

to be \$350.19, 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-FOUR AND 19/100 DOLLARS (\$374.19). The City Council finds that the work was completed on the 16<sup>th</sup> and 17<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 THREE HUNDRED SEVENTY-FOUR AND 19/100 DOLLARS (\$374.19) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ARTHUR VELIZ, 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:

ELY 181.97 FT OF LOT 1 (21780.0 SQ FT), Block 5, Continental Industrial Park Subdivision, El Paso, El Paso County, Texas, Parcel #C756-999-0050-1050

to be \$555.32, 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 FIVE HUNDRED SEVENTY NINE AND 32/100 DOLLARS (\$579.32). The City Council finds that the work was completed on the 18 day(s) of April 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 FIVE HUNDRED SEVENTY NINE AND 32/100 DOLLARS (\$579.32) 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, BELK BROTHERS LTD, 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:

WLY 78.11 FT OF LOT 1 (15137.45 SQ FT) Block 2, Rough Riders Subdivision, El Paso, El Paso County, Texas, Parcel #R872-999-0020-0100

to be \$390.35, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of FOUR HUNDRED FOURTEEN AND 35/100 DOLLARS (\$414.35). The City Council finds that the work was completed on the 25th day(s) of March 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 FOUR HUNDRED FOURTEEN AND 35/100 DOLLARS (\$414.35) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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**5D.**

**\*RESOLUTION**

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Community Health Preparedness Coordinator is hereby created as specified in the duties and responsibilities attached hereto. The Code is 22255. The Grade is PM 132.

Representative Holguin commented.

Ms. Joyce Wilson, City Manager, and Ms. Linda Ball Thomas, Director of Human Resources, commented.

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**6A. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Maceo Crenshaw Dailey, Jr. to the Art Museum Advisory Board by Mayor John F. Cook.

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**6B. BOARD RE-APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **RE-APPOINT** Teri M. Spicer to the Art Museum Advisory Board by Mayor John F. Cook.

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**7A. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Mary Castillo to the City Accessibility Advisory Committee to fill an unexpired term by Representative Beto O'Rourke, District 8.

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**7B. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Bernard J. Sargent to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Beto O'Rourke, District 8.

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**7C. BOARD APPOINTMENT**

\*Motion made, seconded, and unanimously carried to **APPOINT** Ken Walters to the Building and Standards Commission by Representative Emma Acosta, District 3.

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**8. PURCHASING REQUESTS TO ISSUE PURCHASE ORDER:**

\*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services to issue a purchase order to Landscape Structure Inc., a contractor under U.S. Communities Cooperative Purchasing Alliance, Contract No. 040377, for procurement of playground equipment for Salvador Rivas Park. Participation by the City of El Paso in the U.S. Communities program was approved by Mayor and Council on July 5, 2006.

Department: Parks & Recreation  
Account No.: 99331117 – 508009 – 27263 – PCP08PA01  
Funding Source: Parks Proportionality Furniture & Fixtures, FY2006 CO's  
Total Estimated Award: \$55,901.75  
Reference No.: 2009-025

Representative Quintana commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Mr. Richarda Garcia, Parks Project Superintendent

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**9A. – 9B. INTRODUCTIONS**

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

- 9A.** 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 add Helen of Troy Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 16, 2008, FOR ITEM 9A**

- 9B.** An Ordinance granting Special Permit No. ZON08-00050 to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2 described as Lots 24, 25, and 26, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5911, 5913, and 5915 Cleveland Avenue to serve Parcel 1, described as Lots 4, 5, 6, and 7, Block 3, Womble Addition, City of El Paso, El Paso County, Texas, more commonly known as 5928 Trowbridge Drive, pursuant to Section 20.10.410 of the El Paso City Code. The penalty is as provided in Chapter 20.24 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2008, FOR ITEM 9B**

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**10A.**

**ORDINANCE 16992**

The City Clerk read an Ordinance entitled: **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.**

Representative O'Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the 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**.

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ITEMS TAKEN TOGETHER:

**10B.**

**ORDINANCE 16993**

The City Clerk read an Ordinance entitled: **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.**

**10C.**

**ORDINANCE 16994**

The City Clerk read an Ordinance entitled: **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.**

Motion duly made by Representative O'Rourke, 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, 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**.

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**10D.**

**ORDINANCE 16995**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1B AND 1B3, 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 C-2 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Mr. Mathew McElroy, Deputy Director of Planning, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representative Quintana, Byrd, Holguin, Castro, and Ortega commented.

Ms. Lupe Cuellar, Assistant City Attorney, and Mr. Charlie McNabb, City Attorney, gave legal advice.

Mr. Conrad Conde, representing the applicant, commented.

Motion duly made by Representative Quintana, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED**. 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, Acosta, Castro, Quintana, Holguin, Ortega, and O'Rourke

NAYS: Representative Byrd

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

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**10E. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance releasing a condition placed on property by Ordinance No. 8527 which changed the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, and which imposed certain conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**10F. PUBLIC HEARING – DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance changing the zoning of a portion of Lots 20 and 23, Block B, Pioneer Subdivision, City of El Paso, El Paso County, Texas, from C-4/SC (Commercial/Special Contract) to M-2 (Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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**10G.**

**ORDINANCE 16996**

The City Clerk read an Ordinance entitled: **AN ORDINANCE EXTENDING THE TERM OF ORDINANCE 16013 WHICH GRANTED A SPECIAL PRIVILEGE TO MARIO HERNANDEZ, HECTOR COBOS, JR., EBER MARTINEZ, MARIA COBOS, MARGARITA COBOS, JUAN TORRES, PEDRO ORONA, HECTOR COBOS, MARIA PRIETO, MARIA GRADO, JACK KELLOG, JESUS HERNANDEZ, EUSEBIO CORONEL, VICTOR OCHOA, CARMEN COX, MARIA CHAVEZ, EUNISE MORALES, MARIA BARRAZA, SANTIAGO AGUILAR, AND BRANDON PALMA TO ENCROACH ONTO A PORTION OF VARIOUS PUBLIC RIGHTS-OF-WAY WITH A FOOD-VENDING CONCESSION IN THE DOWNTOWN AREA.**

Mayor Cook and Representative O'Rourke commented.

Mr. Mathew McElroy, Deputy Director of Planning, and Ms. Patricia Aauto, Deputy City Manager of Development and Infrastructure Services, commented.

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

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

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

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**11.**

**ORDINANCE 16997**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS); TO AMEND SECTION 2.92.070, SUBSECTION A, TO REVISE THE REQUIREMENTS FOR THE SUBMISSION OF THE FINANCIAL DISCLOSURE FORMS BE FILED ANNUALLY BY CITY BOARD AND COMMISSION MEMBERS.**

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Richarda Momsen, Municipal Clerk
- 3. Ms. Elaine Hengen, Senior City Attorney, gave legal advice.

Motion duly made by Representative Acosta, seconded by Representative Holguin, that the Ordinance be **ADOPTED, AS REVISED.** 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 Acosta, Castro, Quintana, Holguin, and O'Rourke  
NAYS: Representatives Lilly, Byrd, and Ortega

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

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**12. MAYOR AND COUNCIL**

Discussion and action on directing the City Manager to establish the appropriate course of action in addressing the concerns relating to the Love Road neighborhood.

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

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Charlie McNabb, City Attorney, gave legal advice.
- 3. Ms. Patricia Adatao, Deputy City Manager of Development and Infrastructure Services
- 4. Mr. Victor Torres, Director of Development Services
- 5. Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

The following members of the public commented:

- 1. Ms. Alma Ramsey, Love Road Neighborhood Association, presented a PowerPoint presentation (on file in the City Clerk's office).

2. Mr. Bob Humphries
3. Mr. Bill Addington, El Paso Regional Sierra Club Group
4. Mr. Jim Ferguson
5. Mr. Paul Powers
6. Mr. Jodie Hoover

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow additional speakers to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Lilly

**NO ACTION**, other than the above procedural Motion, was taken on the item.

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**13. DEVELOPMENT SERVICES**

\*Motion made, seconded, and unanimously carried to **DELETE** the item regarding a Conditional B permit for Tierra Del Este Unit 50 Subdivision.

Representative Quintana commented.

Ms. Richarda Momsen, Municipal Clerk, commented.

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**14. ENVIRONMENTAL SERVICES**

Discussion and action on the R. W. Beck presentation on Revenue Enhancements Options and Flow Control.

Mr. Scott Pasternick, R. W. Beck, presented a PowerPoint presentation (on file in the City Clerk's office).

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Ellen Smyth, Director of Environmental Services
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Roger Bristow, Special Projects Manager of Waste Connections, Inc. (El Paso Disposal)
2. Mr. Bill Addington, El Paso Regional Sierra Club Group
3. Ms. Heather McMurray, Sunland Park Grassroots Environmental Group
4. Mr. Taylor Moore, Sunland Park Grassroots Environmental Group
5. Ms. Marianna Chew

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, 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> MOTION**

Motion made by Representative Quintana, seconded by Representative Acosta, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Moore an additional minute to address the Council.

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

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried to **ACCEPT** the staff recommendations and to authorize staff to investigate flow control as one of the options.

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**ADDITION TO THE AGENDA**

**1. MAYOR AND COUNCIL**

Motion made by Representative O'Rourke, seconded by Mayor Pro Tempore Byrd, and unanimously carried to **DIRECT** the City Attorney's office to bring back to Council an amendment to the current vehicle-for-hire Ordinance to allow for pedicab type services as one fixed unit.

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

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

Mr. Charles Lauser, citizen, commented.

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Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 1:24 p.m.  
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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk