

JOHN F. COOK
MAYOR



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

JOYCE WILSON
CITY MANAGER

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
SEPTEMBER 23, 2008
8:30 A.M.

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

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MAYOR'S PROCLAMATIONS

1. CANDLELIGHTERS WALK OF HOPE DAY
2. AMIGO AIRSHO 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 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. Ray Gilbert
2. Mr. Steven Strummer
3. Mr. Matt Carroll

Representatives Castro and Byrd commented.

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Motion made by Representative Castro, seconded by Representative Quintana, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 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
Section 551.072

CONSULTATION WITH ATTORNEY
DELIBERATION REGARDING REAL PROPERTY

Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NOT PRESENT FOR THE VOTE: Representative Holguin

Motion made by Representative Lilly, seconded by Representative Acosta, and unanimously carried to adjourn the Executive Session at 9:48 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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

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EX1. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City authorize outside counsel for the City of El Paso to **FILE DOCUMENTS** related to the Bankruptcy plan in the case styled ASARCO LLC, et al; Cause No. 05-21207 in the United States Bankruptcy Court as recommended by outside counsel.

NOT PRESENT FOR THE VOTE: Representatives Castro and Ortega

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EX2. Workers' Compensation subrogation interest regarding Michael Garcia. (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the Office of the City Attorney **NOT PURSUE RECOVERY** of the City's workers' compensation subrogation interest regarding Michael Garcia.

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

NAYS: Representatives Castro, Holguin, and Ortega

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and carried that the Office of the City Attorney **NOT PURSUE RECOVERY** of the City's workers' compensation subrogation interest regarding Michael Garcia.

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

NAYS: Representatives Holguin and Ortega

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EX3. Hector Montes vs. the City of El Paso; Cause Number 2004-3749. (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 **SETTLEMENT AUTHORITY**, to negotiate settlement

agreement and sign all documents to resolve the lawsuit styled Hector Montes vs. City of El Paso; Cause No. 2004-3749.

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

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EX4. Subrogation claim of Ana Soto, our file No. 08-C-201. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all necessary documents to resolve the subrogation lien regarding the claim of Ana Soto, our file No. 08-C-201.

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EX5. Claim of Two Ton Creativity, Inc.; our file no. 08-C-198. (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** claimant's demand in Claim No. 08-C-198/Eco Dev/Two Ton Creativity, Inc.

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EX6. Discussion and action on the following Empowerment Zone Loans:
a. Rose Montes Tate d/b/a Pike Street Market, Loan No. EZRLF-67
b. OK Machine Shop, Inc., Loan No. EZRLF-13
c. RCG Foods of Texas, Inc., Loan No. EZRLF-028
d. Teresa Cardenas d/b/a T.T. Accounting, Loan No. EZRLF-59
(551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Lilly, and unanimously carried that the City of El Paso authorizes the City Attorney to **TAKE ANY AND ALL ACTION** to protect the City's interest and position both affirmative and defensive, as necessary, related to collection efforts and debt recovery of the following Empowerment Zone loans:

1. Loan EZRLF-13 against OK Machine Shop, Inc. and loan guarantors Nahum Tirre and Frank Tirre;
2. Loan EZRLF-028 against RCG Foods of Texas, Inc. and the loan guarantors RCG Foods, Inc., Robert C. Gregoire, and Carla D. Gregoire; and
3. Loan EZRLF-59 against Teresa Cardenas d/b/a T.T. Accounting and loan guarantor Teresa Cardenas.

This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to litigation, proof of claims, complaints, and any other administrative or judicial proceeding or process, in consultation with the City Manager. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Ortega, 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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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 16, 2008, and the Special City Council Meeting (Stormwater Utility Advisory Board) of September 16, 2008.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Mayor John F. Cook from the Regular Council Meeting of September 23, 2008.

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3A.

***RESOLUTION**

WHEREAS, on May 12, 2007, a General Election and City Charter Amendment Election was held;

WHEREAS, all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for November 25, 2008, is hereby canceled.

Ms. Joyce Wilson, City Manager, commented.

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3B.

***RESOLUTION**

WHEREAS, on May 12, 2007, a General Election and City Charter Amendment Election was held;

WHEREAS, all fourteen of the proposed Charter Amendments were approved by the voters and duly declared adopted by the City Council of the City of El Paso, Texas; and

WHEREAS, Section 3.5 of the City Charter has been amended to allow the City Council, by resolution, to cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive.

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

That in accordance with Section 3.5 of the City Charter, as revised, the regular City Council meeting for December 30, 2008, is hereby canceled.

Ms. Joyce Wilson, City Manager, commented.

3C.

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on August 1, 1995, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 168th Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas.

Lot 25, Block 1, Seville Estates, an Addition to the City of El Paso, El Paso County, Texas.
(PID #S330-999-0010-2500)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on December 2, 1997, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 34th Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

.452 acres, more or less, being Tract 9-D, Block 52, Ysleta Grant, being out of a part of Tract 9, Block 52, Ysleta Grant; said Tract 9, being more particularly described in Parcel "B" in Volume 398, Page 966, Deed Records of El Paso County, Texas.
(PID #Y805-999-052A-0908)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on June 1, 1999, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 346th Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Lot 1, Block 2, Ysleta Industrial District #2, an Addition to the City of El Paso, being more particularly described in Volume 1585, Page 552, Deed Records of El Paso County, Texas. (PID #Y855-999-0020-0100)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on July 7, 1998, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the County Court at Law No. 2, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

.104 acre, more or less, out of Lot 14, Block 209, Vista Del Sol Unit 37, an Addition to the City of El Paso, being more particularly described as Exhibit A, in Volume 852, Page 1170, Deed Records of El Paso County, Texas. (PID #V893-999-2090-2800)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on July 2, 2002, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 384th Judicial District Court at Law No. 2, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 5-A, being 1.0544 acres, more or less, out of Tract 5, being 8.0 acres, more or less out of the J.E. Johannsen Survey #185, Tract 5, being more particularly described in Volume 1224, Page 1, Deed Records of El Paso County, Texas. (PID #X185-999-0000-3200)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on July 2, 2002, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 384th Judicial District Court at Law No. 2, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 8-A, being part of Tract 8, out the J. E. Johannsen Survey #185, Tract 8, being more particularly described in Volume 113, Page 1504, Deed Records of El Paso County, Texas. (PID #X185-999-0000-4900)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 5, 2002, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 168th Tax Court at Law No. 2, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

the northerly portion of Lot 4, (211.39 feet on Northerly 65.63 feet on Street, 212.29 feet on Southerly 60.01 feet on Westerly, Block 2, The Village at East Pointe, El Paso County, Texas. (PID #T223-999-0020-0400)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 5, 2002, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 168th Tax Court at Law No. 2, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

the southerly portion of Lot 5, (215.46 feet on Northerly 3.53 feet on Street, 211.39 feet on Southerly 24.41 feet on Westerly, Block 2, The Village at East Pointe, El Paso County, Texas. (PID #T223-999-0020-0500)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on June 2, 1992, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 243rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 14-S, being .906 acre out of Section 14, Block 81, Township 2, T & P Railroad Company Surveys, as further described in Volume 1379, Page 2093, Deed Records, El Paso County, Texas. (PID #X581-999-2140-1512)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on June 2, 1992, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 243rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 14-R, being 4.085 acres out of Section 14, Block 81, Township 2, T & P Railroad Company Surveys, as further described in Volume 1379, Page 2093, Deed Records, El Paso County, Texas.(PID #X581-999-2140-1508)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on June 2, 1992, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 243rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 14-Q, being .353 acre out of Section 14, Block 81, Township 2, T & P Railroad Company Surveys, as further described in Volume 1379, Page 2093, Deed Records, El Paso County, Texas.
(PID #X581-999-2140-1496)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on June 2, 1992, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 243rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Tract 2-L, being .150 acre out of Section 14, Block 81, Township 2, T & P Railroad Company Surveys, as further described in Volume 1379, Page 2093, Deed Records, El Paso County, Texas. (PID #X581-999-2140-0273)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 2, 1999, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 383rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by The City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Lot 2-A, Block 23, Mission Hills Replat, an Addition to the City of El Paso, being more particularly described in Volume 735, Page 929, Deed Records of El Paso County, Texas.
(PID # M576-999-023B-0800)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 2, 1999, the property described below was struck-off to City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 383rd Judicial District Court, El Paso, County, Texas, and

WHEREAS, the sum of \$1.00 has been tendered by City of El Paso, of El Paso County for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities they represent conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas

Lot 3-A, Block 23, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in Volume 735, Page 929, Deed Records of El Paso County, Texas.
(PID # M576-999-023B-2200)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 2, 1999, the property described below was struck-off to City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 383rd Judicial District Court, El Paso, County, Texas, and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities they represent conveying to City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas

Lot 4-A, Block 23, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in Volume 735, Page 929, Deed Records of El Paso County, Texas.
(PID # M576-999-023B-4300)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 2, 1999, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 383rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Lot 5-A, Block 23, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in Volume 735, Page 929, Deed Records of El Paso County, Texas.
(PID # M576-999-023B-5700)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on November 2, 1999, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 383rd Judicial District Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to The City of El Paso, all of the right, title, and interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Lot 7-A, Block 23, Mission Hills Addition, an Addition to the City of El Paso, being more particularly described in Volume 735, Page 929, Deed Records of El Paso County, Texas.
(PID # M576-999-023B-8500)

***RESOLUTION**

WHEREAS, by Sheriff's Sale conducted on March 6, 2001, the real property described below was struck-off to the City of El Paso, Trustee, pursuant to a delinquent tax foreclosure decree of the 34th Tax Court, El Paso, County, Texas; and

WHEREAS, the sum of \$1.00 has been tendered by the City of El Paso, of El Paso County, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

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

That the City of El Paso authorizes the City of El Paso, Trustee, to execute a tax resale deed on behalf of all the taxing entities it represents conveying to the City of El Paso, all of the right, title, and

interest of all taxing units interested in the tax foreclosure judgment in the following described real property located in El Paso County, Texas:

Lots 1 through 16, both inclusive, Block 20, Rosemont Addition, an Addition to the City of El Paso, being more particularly described in Volume 1235, Page 215, Deed Records of El Paso County, Texas. (PID #R843-999-0200-0100)

3D.

***RESOLUTION**

WHEREAS, the Developer, TP33 Investments I, LTD, a Texas Corporation is developing Hueco Commercial Unit 4, in the City of El Paso, El Paso County, Texas; and,

WHEREAS, Hueco Commercial Unit 4 will convey stormwater run-off to an existing retention pond immediately adjacent to the south, Lot 109, Block 89, (Tierra Del Este Unit 18 Pond); and

WHEREAS, the Developer intends to construct new drainage conveyance structure, the structure will consist of a 8 foot x 7 foot Reinforced Concrete Box and a 8 foot x 7 foot Reinforced Concrete Box Thrust Block Outlet Structure within the Pond so that it will be a part of Tierra Del Este Unit 18 Subdivision Pond, to convey the drainage to the existing pond within and be a part the drainage system structure within Tierra Del Este Unit 18 Subdivision Pond; and

WHEREAS, the Developer intends to construct and upgrade existing drainage conveyance structure within the Pond so that it will be a part of Tierra Del Este Unit 18 Subdivision Pond, and remove the existing 42 inch RCP (reinforced concrete pipe) and replace and upgrade with a 48 inch Reinforced Concrete Pipe and a 48 inch Reinforced Concrete Thrust Block Outlet Structure within the pond, to convey the drainage to the existing pond within and be a part the drainage system structure within Tierra Del Este Unit 18 Subdivision Pond; and

WHEREAS, the Developer has requested permission to enter upon dedicated pond, Lot 109, Block 89, Tierra Del Este Unit 18 Subdivision for the purpose of completing the construction of the drainage structures; and

WHEREAS, the City agrees that in consideration for use and entry of the pond, the improvements will further the drainage in the area and is in the best interest of the City.

NOW, THEREFORE, in consideration of the promises, mutual agreements and in-kind services hereinafter set forth, the parties hereby do mutually agree as follows:

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

That the City Manager be authorized to sign an Agreement by and between the City of El Paso and Hueco Commercial Unit 4, to allow Hueco Commercial Unit 4 access to a City ponding area on Lot 109, Block 89, (Tierra Del Este Unit 18 Pond) City of El Paso, El Paso County, Texas to construct ponding area improvements. There is no cost to the City.

Representative Quintana commented.

Mr. Antonio Bustillos, Development Services Civil Engineer Associate, commented.

3E.

***RESOLUTION**

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Texas Tech University Health Sciences Center, Department Of Internal Medicine, for the provision of health services for the City’s Department of Public Health Tuberculosis Control Clinic and the City’s Department of Public Health Sexually Transmitted Disease Clinic by physicians from the Texas Tech University Health Sciences Center Department of Internal Medicine, for the period from September 1, 2008, through August 31, 2009.

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4. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Sofia Ordoñez to the Retired & Senior Volunteer Program (RSVP) Advisory Council by Representative Steve Ortega, District 7.

.....
5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Jose Larry Garcia to the Fair Housing Task Force by Representative Susie Byrd, District 2.

.....
5B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Joel G. Guzman to the Fair Housing Task Force by Representative Steve Ortega, District 7.

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

*Motion made, seconded, and unanimously carried to **POSTPONE** one week the item requesting rejection of all bids submitted for Solicitation No. 2008-175 (McNeilus Proprietary Parts & Services) as recommended by Financial Services Department - Purchasing Division and General Services Department - Fleet Division because all bids were non-responsive.

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7A. – 7G. INTRODUCTIONS

Motion made by Representative Acosta, 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.

7A. An Ordinance amending Title 6 (Vehicles for Hire), Chapter 6.34 (Nonmotorized Vehicles for Hire), of the El Paso City Code, to amend sections thereunder to permit the licensing of bicycles, pedicabs and other similarly-operated vehicles as vehicles for hire; and to add equipment requirements for such vehicles; the penalty being as provided in Section 6.04.040 of the El Paso City Code.

7B. An Ordinance repealing Ordinance Number 15721, adopted and approved on March 30, 2004, which created tax increment financing district number four, City of El Paso (50 acre site on the southeast corner of Viscount and Hawkins Blvd.); made findings of fact concerning the conditions of blight, residential property and assessed valuation within said district; created a tax increment financing district board of directors and defined the powers, duties, and terms of office thereof; provided for submission of a plan of improvements for said district; provided for duties of the tax assessor; set the boundaries for said district; and provided a severability clause.

7C. An Ordinance amending Ordinance 016971 for the purpose of removing the membership requirement that nominated members of the International Bridge Commission reside in the same district as the City Representative making the nomination.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2008, FOR ITEM 7A – 7C

7D. An Ordinance changing the zoning of Lot 2, Block 147, Chaparral Park Unit 33, and Lot 3, Block 147, Chaparral Park Unit 36, City of El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7E. An Ordinance changing the zoning of Tract 2, aka the north 1/2 of the northwest 1/4 of the southeast 1/4 of Section 16, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and Tract 4B aka the west 1/2 of the southwest 1/4 of the northwest 1/4 of the southeast 1/4 of Section 16, 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 M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7F. An Ordinance changing the zoning of Lots 11 through 20, Block 224, Alexander Addition, City of El Paso, El Paso County, Texas, from A-O (Apartment/Office) GMU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

7G. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Article 1 (General Provisions), and Article IV (On-Premise Sign Regulations), Section 20.18.400 (General), of the El Paso City Code to amend the types of changeable electronic variable message and digital signs allowed. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 14, 2008, FOR ITEMS 7D – 7G

8. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Ortega, and unanimously carried to **AWARD** Solicitation No. 2008-236 (Security Guard Services for the El Paso International Airport - Rebid) to Akal Security, Inc., for a total estimated award of \$1,645,028.40.

Department:	Airport
Award to:	Akal Security, Inc. Española, NM
Items:	All
Annual Estimated Amount:	\$ 532,200.00 Year 1 \$ 548,916.00 Year 2 \$ 563,912.40 Year 3
Account No.:	62620005-502212-40101 62620006-502212-40101 62620009-502212-40101
Funding Source:	Terminal-Security Contract - Airport Cost Centers Airport Parking Lots - Security Contract - Airport Cost Centers
Landing Area - Security Contract - Airport Cost Centers	
Total Estimated Award:	\$1,645,028.40

This is a thirty-six month requirements type contract.

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

The Departments of Financial Services - Purchasing Division and Airport recommend award as indicated to Akal Security, Inc., the vendor offering the best value bid.

Representative Ortega commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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9A.

ORDINANCE 17002

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE HOTEL DON QUIXOTE, LTD, PERMITTING AN AERIAL AND SUBSURFACE ENCROACHMENT OF TWO AIR DUCTS, AN INTERCEPTOR, SAMPLING WELL, AND THE RELATED CONNECTING PIPES, WITHIN A PORTION OF PUBLIC RIGHT-OF-WAY IN THE ALLEY ADJACENT TO LOTS 37 - 40, LOTS 42 - 46, AND A PORTION OF LOT 41, BLOCK 1, SATTERTHWAITE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, COMMONLY KNOWN AS 113 WEST MISSOURI STREET.**

Mr. Philip Etiwe, Development Review Manager, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor Pro Tempore 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, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

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

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9B.

ORDINANCE 17003

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF BARNEY STREET LOCATED BETWEEN LOT 1, BLOCK 1, PASADENA NO. 3, AND LOT 8, BLOCK 1, PASADENA NO. 2, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative O'Rourke, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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, Holguin, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Quintana

Whereupon the Mayor Pro Tempore 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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10. PUBLIC HEARING - ENGINEERING

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the public hearing on 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.

Representatives Ortega, Lilly, and Quintana commented.

Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. David Karlsruher, citizen, commented.

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11.

ORDINANCE 17004

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE, AND INTEREST OF THE CITY OF EL PASO, TRUSTEE, ON BEHALF OF ALL TAXING UNITS INTERESTED IN THE TAX FORECLOSURE JUDGMENTS, IN EIGHTEEN IDENTIFIED REAL PROPERTIES TO THE CITY OF EL PASO, IN ACCORDANCE WITH SECTION 34.05 (I) OF THE TAX CODE.**

Ms. Carmen Perez, attorney for Delgado, Acosta, Spencer, Linebarger, & Perez, LLP, commented.

Motion duly made by Representative Ortega, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore 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 Pro Tempore 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.

RESOLUTION

WHEREAS, the City of El Paso is the recipient of United States Department of Housing and Urban Development HOME Investment Partnerships Program (HOME) funds; and

WHEREAS, HOME funds can be used for a wide range of activities that build, buy and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-moderate income persons; and

WHEREAS, City staff has developed a First-Time Home Buyer New Construction Program (Summerlin) that will involve the acquisition of thirty (30) lots and funding for the construction of 30 homes for First-Time Home Buyers; and

WHEREAS, the City Council finds that the development of affordable housing for low-moderate income persons constitutes an important municipal public purpose to the City and the expenditure of United States Department of Housing and Urban Development HOME Investment Partnerships Program (HOME) funds is authorized as appropriate,

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

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and KARMA-JKS Properties, Inc. for \$885,000 for the purchase of the following parcels to be used for the First-Time Home Buyer New Construction (Self – Help) Program:

Lots 2, 4, 5, 7, 9, 11, 13, 14, Block 9, Summerlin Subdivision, El Paso, El Paso County, Texas;

Lots 1, 3, 4, 6, 7, 8, 9, 11, 14, Block 10, Summerlin Subdivision, El Paso, El Paso County, Texas;

Lots 1, 3, 5, 7, 9, 10, 11, 13, 14, Block 11, Summerlin Subdivision, El Paso, El Paso County, Texas; and

Lots 2, 4, 6, 9, Block 12, Summerlin Subdivision, El Paso, El Paso County, Texas.

Representatives Byrd, Quintana, Castro, and Ortega commented.

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

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

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

NAYS: Representative Quintana

ABSTAIN: Representative Byrd

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12B.

RESOLUTION

That the City Council approve the First-Time Home Buyer New Construction Program (Self-Help Component) and incorporation into the Housing Programs Handbook adopted by the City Council and any amendments adopted thereto and authorize the Director of Community and Human Development to approve First-Time Home Buyer New Construction Program (Self-Help Component) Applications provided that the approvals are in accordance application criteria and requirements identified in the Program Guidelines, with the review and approval of the City Attorney’s Office.

Representatives Byrd, Quintana, Castro, and Ortega commented.

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

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

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

NAYS: None

ABSTAIN: Representative Byrd

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Motion made by Representative Ortega, seconded by Representative Acosta, and unanimously carried to **ADJOURN** this meeting at 10:49 a.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk