

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 30, 2008
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Melina Castro, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Emma Acosta at 8:37 a.m. during Executive Session deliberations, Rachel Quintana at 8:39 a.m. during Executive Session deliberations, and Ann Morgan Lilly at 8:41 a.m. during Executive Session deliberations. Early departure: Mayor John F. Cook at 11:32 a.m. The invocation was given by Police, Fire, and CIMA Hospice Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. COMMUNITY PLANNING MONTH**
- 2. DISABILITY EMPLOYMENT AWARENESS MONTH**
- 3. HEAD START AWARENESS MONTH**
- 4. ARMED SERVICES VOCATIONAL APTITUDE BATTERY AWARENESS DAY**

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. Claudia Andrade, Fabens Independent School District
2. Mr. Richard Sheldon

Mayor Cook commented.

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Castro, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 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, Acosta, and Quintana

Motion made by Representative Holguin, seconded by Representative O'Rourke, and unanimously carried to adjourn the Executive Session at 9:14 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Quintana

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EX1. Claim of Vicki J. Magness; our file no. 08-C-191. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City Attorney's Office be authorized to **REJECT** the claimant's settlement demand in the claim of Vicki J. Magness, our file #: 08-C-191.

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

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EX2. Claim of Lorenzo, Elsa, and Adrian Perez, our file no. 07-C-136. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City Attorney's Office be authorized **SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all documents regarding the claim of Elsa Lorenzo and Adrian Perez, our file #: 07-C-136.

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

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

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EX3. City of El Paso vs. Joseph "Sib" Abraham, Jr., et al; Cause No. 2006-2480. (551.071)

1ST MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that authorizes the City Attorney's Office to **INCREASE THE CONTRACTUAL LIMIT** on the contract with outside counsel in the prosecution and defense of all matters relating to the AB Fall Mansion, including but not limited to the lawsuit entitled City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480.

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

2ND MOTION

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

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that authorizes the City Attorney's Office to **INCREASE THE CONTRACTUAL LIMIT** on the contract with outside counsel in the prosecution and defense of all matters relating to the AB Fall Mansion, including but not limited to the lawsuit entitled City of El Paso vs. Joseph "Sib" Abraham; Cause No. 2006-2480.

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

NAYS: Representatives Castro, Quintana, and Holguin

ABSTAIN: Representative Acosta

Representative Quintana commented.

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

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EX4. MOMAR, L.P. vs. City of El Paso, Cause No. 2007-4830. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that authorizes the City Attorney's Office to **INCREASE THE CONTRACTUAL LIMIT** on the contract with outside counsel in the defense of the lawsuit styled MOMAR, L.P. vs. The City of El Paso; Cause No. 2007-4830.

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

NAYS: None

ABSTAIN: Representatives Acosta and Castro

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EX5. County of El Paso et al. vs. Michael Chertoff, Secretary, U.S. Department of Homeland Security, and U.S. Department of Homeland Security, Case No. EP-08-CA-0196-FM, U.S. District Court for the Western District of Texas, El Paso Division. (551.071)

Motion made by Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Council of the City of El Paso authorize Outside Counsel for the City to **APPEAL** the final order and seek permanent relief in the lawsuit entitled County of El Paso et al. vs. Michael Chertoff, Secretary, U.S. Department of Homeland Security, and U.S. Department of Homeland Security, Case No. EP-08-CA-0196-FM, to the U.S. Supreme Court.

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EX6. Discussion and action regarding strategies and options related to Asarco litigation, bankruptcy, TCEQ permit process, and other legal matters involving Asarco. (551.071)

NO ACTION was taken on this item.

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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 23, 2008.

2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

3A.

***RESOLUTION**

WHEREAS, Oscar and Aurora Menchaca, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of a flower shop; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a flower shop on the following described property which is located in a S-D/SC (Special Development/Special Contract) District:

Lot 31 and 32, Block 91, Supplemental Map No. 1 of the East El Paso Addition, City of El Paso, El Paso County, Texas.

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "A" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the S-D/sc (Special Development/Special Contract) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the S-D/SC (Special Development/Special Contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

3B.

***RESOLUTION**

WHEREAS, Oro Partners LTD., (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of two office buildings; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of two office buildings on the following described property which is located in a C-1/C (Commercial/Conditions) District:

A portion of Lot 18, Block 2, Montwood Heights Unit 4, City of El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A" and incorporated herein by reference.

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager, and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/C (Commercial/conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/c (Commercial/Conditions) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

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3C.

***RESOLUTION**

THAT the City Manager be authorized to sign an Economic Development Agreement with the El Paso Hispanic Chamber of Commerce in the amount of \$90,000 for Fiscal Year 2009, for Small Business Technical Assistance (\$66,000) and Revolving Loan Fund Administration (\$24,000).

Representative Acosta commented.

Ms. Kathryn Dodson, Director of Economic Development, commented and Mr. Charlie McNabb, City Attorney, gave legal advice.

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3D.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GONZALO & BLANCA F. MONTE, 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:

717 Westlake Court, more particularly described as Lot(s) 42, Block 3,
Coronado Country Club Ests #5 Subdivision, El Paso, El Paso County, Texas,
Parcel #C801-999-0030-9916

to be \$205.13, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED TWENTY NINE AND 13/100 DOLLARS (\$229.13). The City Council finds that the work was completed on the 24th 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 TWO HUNDRED TWENTY NINE AND 13/100 DOLLARS (\$229.13) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, CHERIE L. HICKMAN (RT), 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:

623 Tepic Drive, more particularly described as Lot(s) 17 & WLY 247.5 SQ FT OF LOT 18 (8498 SQ FT), Block 105, Chaparral Park #21 Subdivision, El Paso, El Paso County, Texas, Parcel #C340-999-1050-3300

to be \$235.44, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FIFTY NINE AND 44/100 DOLLARS (\$259.44). The City Council finds that the work was completed on the 24th 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 TWO HUNDRED FIFTY NINE AND 44/100 DOLLARS (\$259.44) 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, EMMA L. AGUILAR, 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) 7 to 13, Block 84-C, Logan Heights Subdivision, El Paso, El Paso County, Texas, Parcel #L447-999-084C-1200

to be \$406.48, 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 THIRTY AND 48/100 DOLLARS (\$430.48). The City Council finds that the work was completed on the 13th and 14th 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 THIRTY AND 48/100 DOLLARS (\$430.48) 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, ATZAD LP, 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:

1025 Carolina, more particularly described as PT OF BLK BEG 428.83 FT S OF NEC (350 FT ON E - IRREG ON S & W-679.17 FT ON N) (6.8837 AC), Block 33, Sageland 2nd Replat Subdivision, El Paso, El Paso County, Texas, Parcel #S029-999-0330-2000

to be \$172.12, 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 NINETY SIX AND 12/100 DOLLARS (\$196.12). The City Council finds that the work was completed on the 4th 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 ONE HUNDRED NINETY SIX AND 12/100 DOLLARS (\$196.12) 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, JOEL T. SILVA, 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:

10700 Coral Sands, more particularly described as Lot(s) 27 (5444.11 SQ FT), Block 32, Pleasant Hills Unit 7 Subdivision, El Paso, El Paso County, Texas, Parcel #P863-999-0320-2700

to be \$187.27, 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 of TWO HUNDRED ELEVEN AND 27/100 DOLLARS (\$211.27). The City Council finds that the work was completed on the 9th day(s) of May, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED ELEVEN AND 27/100 DOLLARS (\$211.27) 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.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ALEJANDRO A. & STEFA ESPITIA, 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:

10716 Coral Sands Drive, more particularly described as Lot(s) 31 (5458.96 SQ FT), Block 32, Pleasant Hills Unit 7 Subdivision, El Paso, El Paso County, Texas, Parcel #P863-999-0320-3100

to be \$139.64, 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 SIXTY THREE AND 64/100 DOLLARS (\$163.64). The City Council finds that the work was completed on the 9th day(s) of May, 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 SIXTY THREE AND 64/100 DOLLARS (\$163.64) 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, ALAMNI L. L. C., 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) 1 to 7 & PTS OF CARL STREET & BROWN STREET ADJ CLOSED,
Block 86, Nation Tobins Subdivision, El Paso, El Paso County, Texas,
Parcel #N081-999-0860-0100

to be \$471.97, 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 NINETY FIVE AND 97/100 DOLLARS (\$495.97). The City Council finds that the work was completed on the 12TH & 13TH 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 NINETY FIVE AND 97/100 DOLLARS (\$495.97) 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, VILLARREAL FAMILY 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:

ELY PT OF LOT 4 (228.99 FT ON NLY-386.46 FT ON ELY-222.72 FT ON
SLY-385.05 FT ON WLY), Block 104, Tierra del Este #42 Subdivision, El
Paso, El Paso County, Texas, Parcel #T287-999-1040-0450

to be \$1,397.51, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE

THOUSAND FOUR HUNDRED TWENTY ONE AND 51/100 DOLLARS (\$1,421.51). The City Council finds that the work was completed on the 13th 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 THOUSAND FOUR HUNDRED TWENTY ONE AND 51/100 DOLLARS (\$1,421.51) 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, RAYMOND G H & DEBOR ADKINS, 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:

3464 Wayside Street, more particularly described as Lot(s) 2 & N 1 FT OF LOT 3
(7279 SQ FT), Block 56, Pebble Hills Subdivision, El Paso, El Paso County, Texas,
Parcel #P654-999-0560-0300

to be \$143.97, 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 SIXTY SEVEN AND 97/100 DOLLARS (\$167.97). The City Council finds that the work was completed on the 7th 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 ONE HUNDRED SIXTY SEVEN AND 97/100 DOLLARS (\$167.97) 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, KRAIG BELCHER & 2, 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:

Tract 40 (4.807 ACRES), Block O, A Danielson Sur 310 ABST 10026
Subdivision, El Paso, El Paso County, Texas, Parcel #X310-999-0000-
2640

to be \$218.12, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED FORTY TWO AND 12/100 DOLLARS (\$242.12). The City Council finds that the work was completed on the 22nd 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 TWO HUNDRED FORTY TWO AND 12/100 DOLLARS (\$242.12) 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, VANE SCOTT AND GEORGE GONZALEZ, 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) 17 (EXC NLY PT) (231290.22 SQ FT), Block 22, Vista
Granada #2, El Paso, El Paso County, Texas, Parcel #V894-999-
0220-1700

to be \$1,707.64, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE THOUSAND SEVEN HUNDRED THIRTY ONE AND 64/100 DOLLARS (\$1,731.64). The City Council finds

that the work was completed on the 6th, 11th, and 12th 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 THOUSAND SEVEN HUNDRED THIRTY ONE AND 64/100 DOLLARS (\$1,731.64) 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, VIANEY P. RAMIREZ, 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:

9403 Nottingham Drive, more particularly described as Lot(s) 19 (10975 SQ FT), Block 10, Lancaster 32 Subdivision, El Paso, El Paso County, Texas, Parcel #L201-999-0100-3700

to be \$147.76, 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 of ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76). The City Council finds that the work was completed on the 22nd 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 ONE HUNDRED SEVENTY ONE AND 76/100 DOLLARS (\$171.76) 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, ZARAGOSA DEVELOPMENT 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:

1701 Saint Stephen, more particularly described as Lot(s) 26 (6029.83 SQ FT), Block 9, Assisi Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #A794-999-0090-2600

to be \$166.71, 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 NINETY AND 71/100 DOLLARS (\$190.71). The City Council finds that the work was completed on the 7th 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 ONE HUNDRED NINETY AND 71/100 DOLLARS (\$190.71) 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, MARCELO GOMEZ and JUAN G. REYES, 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:

8300 Gateway, more particularly described as Lot(s) 10 (15.1048 ACRES), Block 1, The Village at Eastpointe Subdivision, El Paso, El Paso County, Texas, Parcel #T223-999-0010-1000

to be \$239.77, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED SIXTY THREE AND 77/100 DOLLARS (\$263.77). The City Council finds that the work was completed on the 17th 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 TWO HUNDRED AND SIXTY THREE AND 77/100 DOLLARS (\$263.77) 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, JENARO MESTA, 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 33, Block 16, Del Norte Acres Subdivision, El Paso, El Paso County,
Texas, Parcel #D361-999-0160-7100

to be \$326.37, 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 FIFTY AND 37/100 DOLLARS (\$350.37). The City Council finds that the work was completed on the 22nd 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 THREE HUNDRED FIFTY AND 37/100 DOLLARS (\$350.37) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, PAUL O'ROURKE, 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:

E 41.5 FT & W 50 FT OF N 83 FT OF LOT 30 (12575 SQ FT), Block 2, Mesa Vista #2 Subdivision, El Paso, El Paso County, Texas, Parcel #M386-999-0020-8300

to be \$466.56, 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 FOUR HUNDRED NINETY AND 56/100 DOLLARS (\$490.56). The City Council finds that the work was completed on the 11th & 13th 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 NINETY AND 56/100 DOLLARS (\$490.56) 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, MARCELO GOMEZ AND JUAN G. REYES, 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:

1251 Lee Trevino Drive, more particularly described as Lot(s) 6 (53017.65 SQ FT), Block 1, The Village At Eastpointe Subdivision, El Paso, El Paso County, Texas, Parcel #T223-999-0010-0600

to be \$138.56, 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 ONE HUNDRED SIXTY TWO AND 56/100 DOLLARS (\$162.56). The City Council finds that the work was completed on the 17th 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 ONE HUNDRED SIXTY TWO AND 56/100 DOLLARS (\$162.56) 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, ANDREW T. SELLERS, 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:

2331 Grant, more particularly described as Lot(s) 15 & 16 (6000 SQ FT), Block 29, Cotton Subdivision, El Paso, El Paso County, Texas, Parcel #C849-999-0290-5000

to be \$81.89, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of ONE HUNDRED FIVE AND 89/100 DOLLARS (\$105.89). The City Council finds that the work was completed on the 9th day(s) of May, 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 FIVE AND 89/100 DOLLARS (\$105.89) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DULCE A. CHAVEZ & NEWEL A. BROOKER, 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:

2851 Pershing, more particularly described as Lot(s) 17 & W 15 FT of Lot 18 (4800 SQ FT), Block 97, Bassett Subdivision, El Paso, El Paso County, Texas, Parcel #B202-999-0970-3100

to be \$91.47, 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 FIFTEEN AND 47/100 DOLLARS (\$115.47). The City Council finds that the work was completed on the 12th 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 FIFTEEN AND 47/100 DOLLARS (\$115.47) 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, MALCOLM WEBB, 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:

3023 - 3025 Tularosa, more particularly described as Lot(s) 12 & 13 (7000 SQ FT), Block 95, East El Paso Subdivision, El Paso, El Paso County, Texas, Parcel #E014-999-0950-1200

to be \$59.52, 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 EIGHTY THREE AND 52/100 DOLLARS (\$83.52). The City Council finds that the work was completed on the 17th 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 EIGHTY THREE AND 52/100 DOLLARS (\$83.52) to be a lien on the above-

described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, MARIA E. NATIVIDAD, 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:

911 Park Street, more particularly described as Lot(s) 5 (3000 SQ FT), Block 38, Magoffin Subdivision, El Paso, El Paso County, Texas, Parcel #M028-999-0380-1500

to be \$273.87, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of TWO HUNDRED NINETY SEVEN AND 87/100 DOLLARS (\$297.87). The City Council finds that the work was completed on the 29th day(s) of May, 2008, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED NINETY SEVEN AND 87/100 DOLLARS (\$297.87) to be a lien on the above-described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

3E.

***RESOLUTION**

That the City Manager be authorized to sign a Contract of Sale between the City of El Paso and Raul Esquivel and Estela Esquivel for the purchase of

Tract 6, Block 1, map of the Christy Tract, an Addition to the City of El Paso, El Paso, Texas, according to the map thereof on File in Book 6, Page 48, Plat Records of El Paso County, Texas,

for the purchase price of \$135,000.

Mayor Cook and Representative Quintana commented.

Ms. Joyce Wilson, City Manager, and Ms. Liza Ramirez-Tobias, Capital Assets Manager, commented.

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3F. RESOLUTION

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the item on a Resolution authorizing the City Manager to sign an Interlocal Governmental Agreement between the City of El Paso and the University of Texas at El Paso (UTEP) in order that UTEP's Institute for Policy and Economic Development ("IPED") conduct a public survey to coincide with the City's Strategic Plan. This survey will have citizens rank priority functions (services) as provided by the City of El Paso and its corresponding departments. This will allow the Office of Management and Budget to review funding trends based on actual citizenry input and their perceived priorities. The results will be incorporated in the FY2009 strategic plan working sessions. Amount of contract is \$15,000.

Representatives Ortega and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Mr. David Almonte, Director of the Office of Budget and Management, commented.

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4. SPECIAL APPOINTMENT

*Motion made, seconded and carried that Joseph "Buck" Brice be **APPOINTED** by the Mayor with a majority vote of the entire Council as Assistant City Attorney effective October 6, 2008, at a salary of \$70,099.70 per annum plus benefits.

.....
5. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Edith Zuvanich to the Empowerment Zone Advisory Board by Mayor John F. Cook.

6A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Oscar Baeza to the Committee on Border Relations by Representative Rachel Quintana, District 5.

6B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Margaret Peg Booker to the Community Development Steering Committee by Representative Rachel Quintana, District 5.

7A. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services to issue a purchase order to Oracle Corporation, a State Department of Information Resources (DIR) contractor under DIR State Contract DIR-VPC-03-018, in the amount of \$102,131.52 for Oracle DataBase Enterprise technical support and services. Participation by the City of El Paso in the DIR Program was approved by Mayor and Council on February 27, 2007.

Department: Information Technology
Account No.: 39010351 – 502202 – 01101
Funding Source: Information Service, Data Processing Contracts, Operating Account
Total Est. Award: \$102,131.52
Reference No.: 2009-036

7B. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.

*Motion made, seconded, and unanimously carried to **REJECT** 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.

8. INTRODUCTION

Motion made by Mayor Pro Tempore Byrd, seconded by Representative Acosta, and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing.

An Ordinance approving the Medical Center of the Americas Master Plan as a study area plan to be incorporated into the City’s comprehensive plan, “The Plan for El Paso”, and that the 2025 General Land Use Map be amended to incorporate the modification. Applicant: City of El Paso and the Medical Center of the Americas Foundation.

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

PUBLIC HEARING WILL BE HELD ON OCTOBER 14, 2008, FOR THE ITEM

Representative Holguin commented.

9A. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **AWARD** Solicitation No. 2008-065 (Vehicle Fueling Offsite) to C & R Distributing, Inc., for a total estimated award of \$4,218,750.

Department: General Services
Award to: C & R Distributing, Inc.
El Paso, Texas
Items: All
Options: 2 years
Annual Estimated Amount: \$1,406,250 (300,000 gallons)
Account No.: 37370510 – 503124 – 45202
Funding Source: Fleet Services Division
Total Estimated Award: \$4,218,750 (900,000 gallons)

This is a 36-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 General Services recommend award as indicated to the lowest responsive, responsible bidder. This contract is a joint purchase with the County of El Paso.

Representatives Holguin, Quintana, Ortega, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Terrence Freiburg, Purchasing Manager
- 3. Mr. Jeff Belles, Director of General Services

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9B. FINANCIAL SERVICES

Motion made by Representative Acosta, seconded by Representative Lilly, and unanimously carried to **AWARD, AS REVISED**, Solicitation No. 2008-238 (Rental of Portable Restrooms) to Hot Properties, Inc. d/b/a Sarabia’s Portable Jons & Blue Sanitation, for a total estimated award of \$680,655.

Department: Parks and Recreation
Award to: Hot Properties, Inc. d/b/a
Sarabia’s Portable Jons & Blue Sanitation
El Paso, TX
Items: All
Option: 1 year
Annual Est. Amount: \$156,885 – Parks and Recreation
\$70,000 – Other Departments
Account No.: 51010367 – 502411 – 01101
Funding Source: Leases NOC, Operating Fund
Total Est. Award: \$680,655 (3-year total)

This is a thirty-six month 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 Parks and Recreation recommend award to Hot Properties, Inc. d/b/a Sarabia’s Portable Jons & Blue Sanitation, the vendor offering the best value bid.

NOT PRESENT FOR THE VOTE: Representative Holguin

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

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Terrence Freiburg, Purchasing Manager
3. Ms. Nanette Smejkal, Director of Parks and Recreation
4. Ms. Ellen Smyth, Director of Environmental Services
5. Ms. Bertha Ontiveros, Assistant City Attorney

Mr. Fred Jackson, citizen, commented.

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10.

ORDINANCE 17005

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

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

Representative Acosta commented.

Mr. J.O. Lawson, applicant, commented.

Motion duly made by Representative Acosta, 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 Ordinance which when so done resulted as follows:

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

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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11.

ORDINANCE 17006

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

Mayor Cook commented.

Mr. Charles Lauser, Green Leaf Pedicab Services, commented.

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

2ND AND FINAL MOTION

Motion duly made by Mayor Pro Tempore 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, Acosta, Castro, Quintana, Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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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12.

ORDINANCE 17007

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NUMBER 015721, 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.**

Representative Quintana commented.

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

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

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

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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13. PUBLIC HEARING - ENGINEERING

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 ADD HELEN OF TROY DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representative Lilly commented.

Ms. Joyce Wilson, City Manager, and Mr. Ted Marquez, Engineering Division Manager, commented.

Mr. David Karlsruher, citizen, commented.

Motion duly made by Representative Lilly, seconded by Representative Acosta, that the Ordinance be **DELETED**. 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, Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Quintana and Holguin

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

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14. ORDINANCE 17008

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

Mayor Cook and Representative Acosta commented.

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

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

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Holguin

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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15A. MAYOR AND COUNCIL

Report to Council on activities of Environmental Legislative Review Committee.

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

NO ACTION was taken on the item.

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15B. MAYOR AND COUNCIL

Discussion and action, to instruct the City Manager, to present to City Council a detailed accounting of what impacts, if any, will be experienced in the 2008 Budget of the El Paso Water Utilities as a result of the failed sale of the Northeast property to Hunt Industries, and also, what impacts, if any, will be experienced in the long range planning and capital requirements of the El Paso Water Utilities as a result of same. To also provide a complete accounting of all revenues expended by the El Paso Water Utilities, including but not limited to staff time and outside consultants and legal fees, in attempting to accomplish this sale.

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

Ms. Joyce Wilson, City Manager, and Mr. Edmund Archuleta, President/Chief Executive Officer of El Paso Water Utilities Public Service Board, commented.

Mr. Ray Gilbert, citizen, commented.

NO ACTION was taken on the item.

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15C. MAYOR AND COUNCIL

Discussion and action, to instruct the City Manager to present to City Council a detailed accounting of what impacts, if any, will be experienced in the 2008 City of El Paso Budget, recently passed by City Council, with the collapse of the sale of the Northeast property to Hunt Industries, and also, what impacts, if any, will occur in the long term budgetary projections with the referenced sale property not being transferred to the taxable property rolls as a result of the failed sale.

Mayor Cook and Representative Castro commented.

Ms. Joyce Wilson, City Manager, commented.

NO ACTION was taken on the item.

15D. MAYOR AND COUNCIL

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Byrd, and carried to **AUTHORIZE** the Mayor to send a letter of support for the Santa Teresa Railway Bypass.

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

NAYS: Representative Holguin

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

Ms. Jane Shang, Deputy City Manager of Mobility Services, commented and Ms. Sylvia Borunda Firth, Director of Governmental Affairs & Senior City Attorney, gave legal advice.

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16A.

RESOLUTION

That City Council approves additional funding for the affordable housing project identified below to account for project delivery costs and closing costs:

| | |
|---------------------------|---|
| Developer: | H.S.C. LLC |
| Project Type: | Rehabilitation of 43 Multi-Family Units |
| Project Address: | 719 Nino Aguilera (79901) |
| Project Development Cost: | \$2,001,417.00 (approved on 8-26-08) |
| Project Delivery Cost: | \$50,035 |
| Closing Costs: | \$15,000 |
| Total Project Amount: | \$2,066,452.00 |

That the City Manager, on behalf of the City, be authorized to sign a HOME Financial Terms Contract by and between the City of El Paso and H.S.C. LLC, in the amount of \$2,066,452.00; and

That the City Manager be authorized to sign a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) by and between the City, H.S.C. LLC, and the selected construction contractor, subordination agreement and/or other secondary financing riders; and any related documents and/or revisions thereto necessary to secure and perfect the City's security interest and lien, upon the recommendation of the Director of Community and Human Development and the approval of the City Attorney's Office.

Representative Acosta commented.

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

Motion made by Representative O'Rourke, 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 (affidavit to recuse on file in City Clerk's Office)

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16B.

RESOLUTION

That City Council approves additional funding for the affordable housing project identified below to account for project delivery costs and closing costs:

Developer: MPV Development, Inc.
Project Type: New Construction of 19 Multi-Family Units
Project Address: 1001 Magoffin (79901)
Project Development Cost: \$1,500,000.00 (approved by resolution on 8-26-08)
Project Delivery Cost: \$37,500
Closing Costs: \$11,750
Total Project Amount: \$1,549,250.00

That the City Manager, on behalf of the City, be authorized to sign a HOME Financial Terms Contract by and between the City of El Paso and MPV Development, Inc., in the amount of \$1,549,250.00; and

That the City Manager be authorized to sign a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) by and between the City, MPV Development, Inc., and the selected construction contractor, subordination agreement and/or other secondary financing riders; and any related documents and/or revisions thereto necessary to secure and perfect the City's security interest and lien, upon the recommendation of the Director of Community and Human Development and the approval of the City Attorney's Office.

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

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

AYES: Representatives Lilly, Byrd, Acosta, Castro, Quintana, Holguin, and Ortega

NAYS: None

ABSTAIN; Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

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17A.

R E S O L U T I O N

WHEREAS, on June 19, 2007, the El Paso City Council approved Ordinance No. 016674, which authorized a Lease Agreement between the City of El Paso and the El Paso Border Youth Athletic Association ("Lessee"); and

WHEREAS, the June 19, 2007 Lease Agreement allowed the Lessee to design, construct, operate, maintain and promote practice and playing baseball and softball fields and related amenities (the "Facilities") at Lower Tom Lea Park; and

WHEREAS, the Lessee did not comply with the terms and conditions of the Lease Agreement which required it to begin construction so that the initial phase of the Facilities would be open to the public within the time period specified in the Lease; and

WHEREAS, pursuant to the terms and conditions of the Lease Agreement, on June 18, 2008, the City notified the Lessee that it had failed to meet the construction requirements of the initial phase of the Facilities and gave the Lessee ninety (90) days to cure the matter, and the Lessee was advised that it would be declared in default and the Lease Agreement would be terminated if it did not take action to comply with the Lease Agreement; and

WHEREAS, the Lessee did not respond to the June 18, 2008, Notice of Default, nor did it take any actions to address the identified terms and conditions of the Lease Agreement,

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

That the El Paso Border Youth Athletic Association is in default of its requirements under its June 19, 2007 Lease Agreement with the City, and the June 19, 2007 Lease Agreement between the City of El Paso and the El Paso Border Youth Athletic Association is terminated.

Representatives Lilly, Ortega, and O'Rourke commented.

Ms. Joyce Wilson, City Manager, and Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

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

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

NAYS: None

ABSTAIN; Representative Byrd (affidavit to recuse on file in City Clerk's Office)

NOT PRESENT FOR THE VOTE: Representative Castro

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17B. PARKS AND RECREATION

Motion made by Representative Lilly, seconded by Representative Ortega, and unanimously carried to **INSTRUCT** staff to discuss with the El Paso Independent School District on a collaborative effort for the development of a baseball field.

Representatives O'Rourke, Ortega, Lilly, Quintana, and Byrd commented.

Ms. Nanette Smejkal, Director of Parks and Recreation, commented.

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Motion made by Representative Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 11:44 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk