

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

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

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 2, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Late arrivals: Representative Melina Castro at 8:38 a.m. during Executive Session deliberations and Jose Alexandro Lozano at 9:09 a.m. during Executive Session deliberations. Absent: Rachel Quintana 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. ARCHITECTS' MONTH
2. FIRE PREVENTION WEEK
3. DOMESTIC VIOLENCE AWARENESS MONTH
4. PASO DEL NORTE DRUG FREE MONTH

CALL TO THE PUBLIC – PUBLIC COMMENT

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

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp 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 member of the public commented:

1. Lisa Turner

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

Section 551.071
Section 551.072
Section 551.073

CONSULTATION WITH ATTORNEY
DELIBERATION REGARDING REAL PROPERTY
DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074
Section 551.076
Section 551.087

PERSONNEL MATTERS
DELIBERATION REGARDING SECURITY DEVICES
DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

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

NOT PRESENT FOR THE VOTE: Representatives Lozano and Castro

Motion made by Representative Holguin, seconded by Mayor Pro Tempore Lozano, and unanimously carried to adjourn the Executive Session at 9:29 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Discussion and action regarding legal matters related to Time Warner Franchise Agreement. (551.071)

Motion made by Alternate 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 to resolve payment dispute regarding Time Warner Cable's franchise agreement for the years 2001, 2002, and 2003.

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

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EX2. Tomas Garcia vs. the City of El Paso, Cause No. 2004-2341. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that outside counsel for the City of El Paso be authorized to **REJECT** Plaintiff's settlement demand and be authorized with settlement authority, to negotiate settlement agreement, and sign all documents to resolve in the lawsuit entitled Tomas Garcia vs. the City of El Paso, 2004-2341.

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

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EX3. Discussion and action on a 11,047 square foot parcel of land out of the northeast corner of Block No. 17, according to Anson Mills' Map of the City of El Paso, El Paso County, Texas. (551.071 and 551.072)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City of El Paso **SOLICIT BIDS** for the sale of a 11,047 square foot parcel of land out of the northeast corner of Block No. 17, according to Anson Mills' Map of the City of El Paso, El Paso County, Texas.

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

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EX4. Claim of F. T. James; Our File No. 07-C-158/ENG. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and carried that the City of El Paso authorizes the City Attorney's Office **SETTLEMENT AUTHORITY** in the claim of F. T. James (Our File No. 07-C-158/Eng) as recommended by the City Attorney and also authorizes the City Attorney to sign all settlement documents.

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

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EX5. Discussion and action on the following properties:

- a. Lot 25, Block 1, Seville Estates, El Paso, El Paso County, Texas
- b. Tract 9-D, Block 52, Ysleta Grant, El Paso, El Paso County, Texas
- c. Portion of Lot 14, Block 209, Vista Del Sol Unit 37, El Paso, El Paso County, Texas
- d. Lot 1, Block 2, Ysleta Industrial District #2, El Paso, El Paso County, Texas
- e. Tr 5-A, out of Tr 5, J.E. Johannsen Survey #185, El Paso, El Paso County, Texas
- f. Tr 8-A, out of Tr 8, J.E. Johannsen Survey #185, El Paso, El Paso County, Texas
- g. Nly pt of Lot 4, Block 2, The Village at Eastpointe, El Paso, El Paso County, Texas
- h. Sly pt of Lot 5, Block 2, The Village at Eastpointe, El Paso, El Paso County, Texas (551.071 and 551.072)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried to **POSTPONE** the item for two weeks.

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EX6. Claim of Chrystian Gonzalez, Our File No. 07-C-145/Street. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, and unanimously carried that the City Attorney's Office be authorized to **REJECT** claimant's settlement demand in the claim of Chrystian Gonzalez, Our File No. 07-C-145/Street.

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EX7. Discussion and action on claim of Yucca Council No. 573 Boy Scouts of America, Our File No. 07-C-216. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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 claim of Yucca Council No. 573 Boy Scouts of America, Our File No. 07-C-216.

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EX8. Discussion and action regarding Empowerment Zone Loan EZRLF-70 to Chama Lounge and Gallery, Inc. d/b/a Chama Lounge. (551.071)

Motion made by Alternate Mayor Pro Tempore Byrd, seconded by Representative O'Rourke, 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 Empowerment Zone loan EZRLF-70 against Chama Lounge & Gallery, Inc. d/b/a Chama Lounge and its loan guarantors, Luis O. Sanchez II and Kevin Devonish. 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.

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

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

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

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 25, 2007.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Rachel Quintana from the Regular Council Meeting of October 2, 2007.

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3A.

***RESOLUTION**

WHEREAS, in accordance with Section 18.50 of the El Paso City Code, the Building and Standards Commission of the City of El Paso, by Order dated the 26th day of April, 2006, after due notice and hearing, issued an order to Dulce Alexandra Chavez and Newel A. Brooker, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and to clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners and any mortgagee or lienholder having failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for the Development 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. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 17 and the West 15 Feet of Lot 18, Block 97, Bassett Addition, an addition to the City of El Paso, being more particularly described in Volume 1058, Page 2127, Deed Records of El Paso County, Texas, municipally known and numbered as 2851 Pershing Drive, El Paso, Texas,

to be \$2,754.50, performed by the Street Department of the City of El Paso, and \$1,485.44, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$4,239.94. The City Council finds that the work was completed on the 5th day of June, 2007, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of four thousand two hundred thirty-nine and 94/100 dollars (\$4,239.94) to be a lien on the above-described property.

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

4. That 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.

Ms. Lupe Cuellar, Assistant City Attorney, gave legal advice.

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3B.

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

WHEREAS, by resolution dated September 3, 1996, the City of El Paso approved of the creation of the El Paso Downtown Management District ("District");

WHEREAS, pursuant to Chapter 375 of the Texas Local Government Code ("Code") the District was legally created by order of the Texas Natural Resources Conservation Commission on March 10, 1997;

WHEREAS, pursuant to Section 375.064(a) of the Code, the Board of Directors of the District ("Board") convened a meeting open to the public on August 23, 2007 for the purpose of recommending a slate of persons to serve as members of the Board; and

WHEREAS, pursuant to Section 375.064(b) of the Code, the City Council is required to approve or disapprove recommendations submitted by the Board.

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

That the City Council approve the recommendation of the Board of Directors of the El Paso Downtown Management District that the following persons be named directors of the District for the terms indicated:

Lee Conner	Term expiring August 2011
Saul Frank	Term expiring August 2011
Rachelle Nedow	Term expiring August 2011
Gil Kimmelman	Term expiring August 2011
Cynthia Weber	Term expiring March 2010
Song u Chon	Term expiring August 2011
Adam Frank	Term expiring August 2009
Sam Legate	Term expiring August 2011
Irving Nadler	Term expiring August 2011
Gerald Rubin	Term expiring August 2011
George Salom	Term expiring August 2011
Y. I. Santoscoy	Term expiring August 2011
Ruben Torres	Term expiring August 2011
Miguel Fernandez	Term expiring August 2009

Mr. Mike Breitenger, Central Business Association, commented.

Mr. Richard Schecter, citizen, commented.

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3C.

RESOLUTION

That the City of El Paso Incentives Policy – Guidelines & Criteria attached hereto as Exhibit “A” are adopted as the City of El Paso incentive policy effective October 1, 2007.

Dr. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk’s office).

Representative Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Richard Schechter, citizen, commented.

1ST MOTION

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

2ND AND FINAL MOTION

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

AYES: Representatives Lilly, Byrd, Lozano, Ortega, and O’Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

ABSENT: Representative Quintana

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3D.

***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Jose M. Serrano, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2606 Jefferson, more particularly described as Lots 9 to 11, Block K, Military Heights Subdivision, City of El Paso, El Paso County, Texas, Parcel #M436-999-000K-3400,

to be \$482.80, 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 five

hundred six and 80/100 dollars (\$506.80). The City Council finds that the work was completed on the 12th day of January, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount five hundred six and 80/100 dollars (\$506.80) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Margaret S. Gilcrease, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5012 Meade Court, more particularly described as Lot 920 (6324 SQ FT),
Block 35, Mountain View Subdivision, City of El Paso, El Paso County, Texas,
Parcel #M851-999-0350-3100,

to be \$250.06 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total two hundred seventy four and 06/100 dollars (\$274.06). The City Council finds that the work was completed on the 14th day of February, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount two hundred seventy four and 06/100 dollars (\$274.06) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Jenaro Mesta, owner of the hereinafter described property, was given notice that said property

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

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

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

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

Lots 9 & 10 (6000 SQ FT), Block 35, Highland Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #H453-999-0350-2900

to be \$461.15 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total four hundred eighty five and 15/100 dollars (\$485.15). The City Council finds that the work was completed on the 25th day of October, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount four hundred eighty five and 15/100 dollars (\$485.15) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

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

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

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

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

SWLY PT OF LOT 9 (274.45 FT ON NWLY-240.28 FT ON NELY-274.22 FT ON SELY - 239.52 FT ON SWLY) (65812.89 SQ FT), Block 50, Milagro Hills # 6 Subdivision, City of El Paso, El Paso County, Texas, Parcel # M425-999-0500-9050,

to be \$374.55 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total three hundred ninety eight and 55/100 dollars (\$398.55). The City Council finds that the work was completed on the 22nd day of January, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount three hundred ninety eight and 55/100 dollars (\$398.55) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Hugo J. Trevizo, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

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

to be \$420.55 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total four hundred forty four and 55/100 dollars (\$444.55). The City Council finds that the work was completed on the 1st day of March, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount four hundred forty four and 55/100 DOLLARS (\$444.55) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Edward W. Ockimey, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

5113 Jerry Drive, more particularly described as Lot 18, Block 3, Milagro Hills Subdivision, City of El Paso, El Paso County, Texas, Parcel #M425-999-0030-6900,

to be \$217.58, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total two hundred forty one and 58/100 dollars (\$241.58). The City Council finds that the work was completed on the 8th day of January, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount two hundred forty one and 58/100 dollars (\$241.58) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Harold W. Crumley, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

2420 E. Yandell, more particularly described as Lot 4 & W ½ of Lot 3 (4500.00 SQ FT), Block 79, Bassett Subdivision, City of El Paso, El Paso County, Texas, Parcel #B202-999-0790-0600,

to be \$352.20 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total three hundred seventy six and 20/100 dollars (\$376.20). The City Council finds that the work was completed on the 6th day of December, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount three hundred seventy six and 20/100 dollars (\$376.90) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, Omega Investments, Inc. owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Environmental Services proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

Lots 31 & 32 , Block 44, East El Paso Subdivision, City of El Paso, El Paso County, Texas, Parcel # E014-999-0440-6800,

to be \$417.85 performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total four hundred forty one and 85/100 dollars (\$441.85). The City Council finds that the work was completed on the 12th day of January, 2007, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount four hundred forty one and 85/100 dollars (\$441.85) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Matthew Carroll to the Parks and Recreation Advisory Board by Representative Beto O'Rourke, District 8.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Joel F. Barrios to the Parks and Recreation Advisory Board by Representative Jose Alexandro Lozano, District 3.

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5A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Maria Teresa Orozco to the Empowerment Zone Advisory Board by Representative Jose Alexandro Lozano, District 3.

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5B. BOARD APPOINTMENT

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

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5C. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Cora Viescas to the Civil Service Commission by Mayor John F. Cook.

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5D. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **REMOVE** Alan Jones from the Ethics Review Commission and **APPOINT** Rodney Haldon Hansen to the Ethics Review Commission by Representative Rachel Quintana, District 5.

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5E. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Kwadwo Achampong to the Empowerment Zone Advisory Board by Representative Steve Ortega, District 7.

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6. APPLICATION FOR TAX REFUND

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

- A. William Ivey Land Sales, Inc. in the amount of \$3,298.77 overpayment of 2006 taxes. (PID #2005-000-4119-0056).
 - B. Carolyn C. Martin in the amount of \$7,810.86 overpayment of 2005 taxes. (PID #C849-999-0120-0200).
 - C. Lockhart Enterprises Corp. in the amount of \$3,294.90 overpayment of 2005 taxes. (PID #C961-999-0010-3100).
 - D. Carolyn C. Martin in the amount of \$4,299.36 overpayment of 2005 taxes. (PID #C849-999-0120-0100).
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7. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2007-245 (Right-of-Way/Property Acquisition Consultant) to Jeffrey S. Ward & Associates for a total estimated award of \$100,000.

Department: Engineering
Award to: Jeffrey S. Ward & Associates, Inc.
Purcellville, VA
Items: All
Option: One Year
Annual Estimated Amount: \$100,000
Account No.: Various
Funding Source: Various
Total Estimated Award: \$100,000

Overland, Pacific & Cutter, Inc. were considered non-responsive; revisions regarding the Indemnity clauses are unacceptable to the City.

The Departments of Financial Services and Engineering recommend award as indicated.

Representative Byrd commented.

Mr. Terrence Freiburg, Purchasing Manager, commented.

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8A – 8D. INTRODUCTIONS

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- A. An Ordinance vacating a five-foot public utility easement located within a portion of Lots 8, 9, and 11, Block 1, El Paso West Unit Two, Replat A, City of El Paso, El Paso County, Texas.
- B. An Ordinance repealing Ordinance Numbers 8611, 9969, 10991, 11655, 12159, 12958, and 13647 which established procedures for traveling for the City of El Paso.

PUBLIC HEARING WILL BE HELD ON OCTOBER 9, 2007, FOR ITEMS A – B

- C. An Ordinance granting Special Permit No. ZON07-00068 to allow government buildings and uses on the property described as Lot 1 and a portion of Lot 2, Block 1, Municipal Center, City of El Paso, El Paso County, Texas, pursuant to Section 20.12.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code.
- D. An Ordinance changing the zoning of a portion of Lot 1, Block 13, Colonia Del Carmen Unit 4, City of El Paso, El Paso County, Texas, from C-OP/SC (Commercial Office Park/Special Contract) District to C-1/SC (Commercial/Special Contract) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 23, 2007, FOR ITEM C - D
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9. FINANCIAL SERVICES

Motion made by Representative Ortega, seconded by Representative O'Rourke, and unanimously carried to **APPROVE** the request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Motorola. Inc., the H-GAC contractor, under contract number RA01-06 (Radio Communication, Command & Control and Interoperability Equipment) for radio equipment to complete phase II of the Fire Department communication project for a total estimated amount of \$821,103.21.

The participation by the City of El Paso in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program was approved by Mayor and City Council on May 8, 2007.

Department: Fire
Account No.: FEMA Grant EMW2005-FG-08972
Funding Source: Fire Grant Account. #058035 Communication Equipment G220607 Fund 07175 OPS & Safety Program
Reference No.: 2008-027

Representatives Ortega and Byrd commented.

Mr. Terrence Freiburg, Purchasing Manager, and Assistant Fire Chief Donald Marron commented.

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Motion made by Representative Ortega, seconded by Mayor Pro Tempore Lozano, and unanimously carried to **RECESS** the City Council Meeting at 10:10 a.m. in order to convene the Special City Council Meeting.

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Motion made by Representative Lilly, seconded by Representative O'Rourke, and unanimously carried to **RECONVENE** the City Council Meeting at 10:13 a.m.

NOT PRESENT FOR THE VOTE: Representative Holguin

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10A.

ORDINANCE 16752

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 6B AND ALL OF TRACT 10C2, S.A. & M.G. RAILWAYS COMPANY SURVEY NO. 268, AND A PORTION OF TRACT 3B, JOHN WITTAKER SURVEY NO. 134, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) AND R-3A (RESIDENTIAL) TO P-R 1 (PLANNED RESIDENTIAL 1). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

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

Mr. Bradley Roe, representing the applicants, and Ms. Lisa Turner, citizen, commented.

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

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

NAYS: None
ABSENT: Representative Quintana

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

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10B.

ORDINANCE 16753

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 59B6 AND 59B2C, W.H. GLENN SURVEY NO. 241 (NELLIE D. MUNDY SURVEY NO. 241), CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Philip Etiwe, Development Review Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Representative Lilly commented.

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

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

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. MAYOR AND COUNCIL

Discussion and action on directing the City Manager to evaluate the options for extending Redd Road and expanding Country Club Road and reporting staff recommendations to the City Council.

Mayor Cook and Representatives O'Rourke and Lilly commented.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Mr. Matthew Lathrop, Vice President of Save the Valley
- 3. Mr. Jerry Sperbeck, Save the Valley
- 4. Mr. Conrad Conde, Chair of the El Paso Chamber of Commerce
- 5. Mr. Larry Nance, Upper Valley Improvement Association
- 6. Mr. Al Weisenberger
- 7. Ms. Susan Austin

1ST MOTION

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

2ND AND FINAL MOTION

Motion made by Representative Lilly, seconded by Representative O'Rourke, and carried to direct the City Manager to **EVALUATE** the options for extending Redd Road and expanding County Club Road and reporting staff recommendations to the City Council.

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

NAYS: None

ABSTAIN: Representative Holguin

ABSENT: Representative Quintana

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12.

R E S O L U T I O N

That the City Manager be authorized to sign a Grant Agreement between the City of El Paso and Project ARRIBA Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. ("Grantee"), a 501(c)3 tax exempt, non-profit Texas corporation for the purpose of creating a permanent and sustainable source of local nurses, teachers and information technologists to address severe shortages in the City of El Paso.

Dr. Kathryn Dodson, Director of Economic Development, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Holguin, Castro, and Byrd commented.

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

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

NAYS: Representative Holguin

ABSENT: Representative Quintana
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13. CITY MANAGER

City Manager’s report of current events and issues:

Progress report on the activities of the Subdivision Code rewrite, including review by the City Plan Commission Ad Hoc Committee.

Ms. Pat Aauto, Deputy City Manager of Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk’s office).

Mayor Cook and Representative Byrd commented.

NO ACTION was taken on the item.

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 11:20 a.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk